

1969 Senate Bill 544

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CHAPTER 157, LAWS OF 1969

AN ACT to repeal 20.395 (2) to (9); to relocate Title XI (title); to amend 15.461 (intro.) and 15.463 (1); and to create 20.395 (2), (3) and (9) and chapter 79 of the statutes, relating to a highway fund budget bill.

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

SECTION 1. 15.461 (intro.) of the statutes, as affected by chapter — (Senate Bill 351), laws of 1969, is amended to read:

15.461 (intro.) The department of transportation shall have the program responsibilities specified for the department under ~~ch.~~ *chs. 79 and 114* and s. 32.05 as it relates to ch. 114.

SECTION 2. 15.463 (1) of the statutes is amended to read:

15.463 (1) There is created in the department of transportation a division of highways under the direction and supervision of the highway commission. ~~One member of the commission shall be from the territory north of a line running along the southern boundaries of Pepin, Eau Claire, Clark, Marathon, Shawano and Oconto counties; one member shall be from the territory south of such line and east of a line running along the western boundaries of Outagamie, Winnebago, Fond du Lac, Dodge, Jefferson and Walworth counties and one member shall be from the territory south of the first line and west of the second line. At least 2 members shall have had comprehensive business experience and practical knowledge of highway planning and construction.~~

SECTION 3. In the schedule under section 20.005 of the statutes, insert the following amounts for the purposes indicated. Section numbering corresponds to the numbering proposed in Senate Bill 95.

20.155	Public Service Commission			1969-70	1970-71
(1)	Regulation of Public Services				
(u)	Motor transportation	SEG	A	603,900	618,500
20.255	Public Instruction, Department of				
(1)	Improvement of Curriculum and Instruction				
(v)	Driver education	SEG	C	2,278,800	2,625,700
20.265	State Universities				
(1)	Educ. to Advance Individuals and Discover New Knowledge				
(u)	Driver education teachers	SEG	A	28,500	28,500
20.292	Vocational, Technical and Adult Education, Board of				
(1)	Vocational, Tech. and Adult Educ. for Youth and Adults				
(u)	Driver education	SEG	C	300,000	309,600
20.395	Transportation, Department of				
(2)	Highway Facilities				
(u)	General program operations	SEG	A	8,517,700	8,620,200
(vb)	Topographic maps	SEG	A	155,000	157,000
(vd)	Bridge maintenance and operations	SEG	C	225,000	225,000
(vf)	State trunk highway allotment, counties	SEG	S	8,050,000	8,050,000

(vh)	State park, forest and access roads	SEG	C	800,000	800,000
(vj)	Institution roads	SEG	C	200,000	200,000
(vm)	Railroad grade crossing protection	SEG	C	400,000	400,000
(vo)	Bridge construction	SEG	C	200,000	200,000
(vr)	Municipal streets	SEG	C	3,800,000	3,800,000
(vt)	State fund for construction and maintenance	SEG	C	10,700,000	10,700,000
(vw)	Highway improvement	SEG	C	2,472,000	2,546,200
(vx)	Roadside improvement	SEG	C	200,000	200,000
(wb)	Aids to localities	SEG	S	21,051,100	21,873,700
(wd)	Aids to localities, motor vehicle fees	SEG	C	850,000	900,000
(xb)	State fund, supplemental	SEG	C	25,171,400	26,579,000
(xd)	Additional fuel tax	SEG	C	35,895,000	37,609,300
(yb)	Aids to localities, supplemental	SEG	C	37,326,500	39,778,900
(yd)	Additional fuel tax, local assistance	SEG	C	18,000,000	18,857,100
(zb)	Special funds	SEG	C	16,850,000	15,700,000
(zd)	Special funds, local assistance	SEG	C	5,000,000	5,000,000
(zf)	Investment and services	SEG	C	8,600,000	500,000
(zh)	Federal aid	SEG-F	C	64,000,000	64,000,000
(zj)	Federal aid, local assistance	SEG-F	C	5,000,000	5,000,000
(3)	Vehicle and Driver Regulation				
(u)	General program operations	SEG	A	18,873,800	19,208,400
(v)	Filing fees	SEG	S	160,000	165,000
(w)	Driver education	SEG	C	2,675,000	2,700,000
	Distributed to other depts.	SEG	C	-2,675,000	-2,700,000
	Net appropriation			-0-	-0-
(y)	Rental payments	SEG	S	84,600	84,600
20.525	Executive Office				
(2)	State Highway Safety Coordination				
(q)	General program operations	SEG	A	55,900	57,500
20.566	Revenue, Department of				
(1)	Collection and Distribution of State Taxes				
(u)	Motor fuel tax administration	SEG	A	370,800	378,800
20.765	Legislature				
(2)	Special Study Groups				
(u)	Highway problems study committee	SEG	B	23,000	23,000

SECTION 4. 20.395 (2) to (9) of the statutes are repealed.

SECTION 5. 20.395 (2), (3) and (9) of the statutes are created to read:

20.395 (2) **HIGHWAY FACILITIES.** (a) *Interstate acceleration.* From the general fund a sum sufficient for the payment of rentals on leases and subleases entered into pursuant to s. 84.40 on highway projects on the interstate system in this state when the projects are initiated.

(g) *Scenic easements.* Biennially, the amounts allocated by the recreation council under s. 20.370 (7) (g) for the acquisition of scenic easements, development of historical markers, overlooks, waysides and related functions specified in ss. 84.04 and 84.09 (1).

(u) *General program operations.* The amounts in the schedule for the costs of administration.

(vb) *Topographic maps.* The amounts in the schedule for the preparation of topographic maps of parts of Wisconsin in cooperation with the federal government. This appropriation shall not exceed amounts made available for this purpose by the federal government.

(vd) *Bridge maintenance and operations.* As a continuing appropriation, the amounts in the schedule for the purposes specified in s. 84.10. Funds received from damage claims for the purposes specified in s. 84.10 shall be used to supplement this appropriation.

(vf) *State trunk highway allotment, counties.* A sum sufficient for the purposes of s. 84.03 (3), including the retirement of bonds issued un-

der ss. 67.13 and 67.14 in accordance with the allotment procedure specified in s. 84.03 (3).

(vh) *State park, forest and access roads.* As a continuing appropriation, the amounts in the schedule for the execution of its functions under s. 84.28. One-eighth of the amounts listed in the schedule shall be used to provide public access roads to navigable waters. The remaining amount shall be used for state park and forest roads.

(vj) *Institution roads.* As a continuing appropriation, the amounts in the schedule for the purposes specified in s. 84.27.

(vm) *Railroad grade crossing protection.* As a continuing appropriation, the amounts in the schedule to pay the cost of crossing protection under s. 195.28.

(vo) *Bridge construction.* As a continuing appropriation, the amounts in the schedule to pay the state's portion of the cost of bridges under ss. 84.11 and 84.12 not on the state trunk highway system or a connecting street.

(vr) *Municipal streets.* As a continuing appropriation, the amounts in the schedule for the improvement of connecting streets and state trunk highways in cities and villages and to supplement the appropriation made under par. (vt) to carry out the purposes of s. 84.03 (9). These amounts may be used either independent of or in conjunction with any other funds which may be available for the same purposes.

(vt) *State fund for construction and maintenance.* As a continuing appropriation, the amounts in the schedule for the execution of its functions under ss. 84.01 (7) and (21), 84.03 (6) and (9) and 84.07. From the appropriations credited to this paragraph an amount equal to the amount appropriated under par. (a) shall be paid into the general fund as required for payments under such appropriation.

(vw) *Highway improvement.* One dollar and 20 cents of each fee under ss. 341.25 (1) (a) and (2) (intro.) and 341.26 (3) (a) and (g), for highway improvement and the elimination of road hazards.

(vx) *Roadside improvement.* As a continuing appropriation, the amounts in the schedule for the execution of its functions under s. 84.04.

(wb) *Aids to localities.* A sum sufficient for the purposes of ss. 59.965 (11), 83.10, 86.31, 86.32, 86.33, 86.34 and 86.35.

(wd) *Aids to localities, motor vehicle fees.* Forty cents of each fee under ss. 341.25 (1) (a) and (2) (intro.) and 341.26 (3) (a) and (g), to be allotted to the city, village or town in which the vehicle was customarily kept in the fiscal year ending the previous June 30. In cities of the 1st class the city shall apportion its allotment according to the formula under s. 86.35 (3).

(xb) *State fund; supplemental.* On June 30, 40% of the amount remaining from highway fund revenues collected by the division of motor vehicles of the department of transportation, department of revenue and public service commission, after deducting the amount appropriated from the highway fund by subs. (1) and (3) and ss. 20.155 (1) (u), 20.370 (4) (z), 20.505 (3), 20.566 (1) (u) and 20.765 (2) (u) and the amounts allotted from the appropriations made by pars. (u), (vb), (vd), (vf), (vh), (vj), (vm), (vo), (vr), (vt), (vw), (vx), (wb), (wd), (xd) and (yd) have been set aside, to supplement the appropriation made by par. (vt). From the appropriation credited to this paragraph an amount adequate to reimburse towns for claims arising under s. 60.29 (20) (e) 2 shall be paid to such towns at the beginning of each fiscal year for claims arising in the prior fiscal year.

(xd) *Additional fuel tax.* Two-sevenths of the taxes collected under ss. 78.01 (1) and 78.40 (1), to supplement the appropriation made by par. (vt). One-half of the amount received under this paragraph shall be dedicated to accelerated construction of portions of the state arterial system and those state trunk highways designated as freeways or expressways.

(yb) *Aids to localities; supplemental.* On June 30, 60% of the amount described in sub. (2) (xb) is set aside to supplement the appropriation made by par. (wb).

(yd) *Additional fuel tax; local assistance.* One-seventh of the taxes collected under ss. 78.01 and 78.40 (1), to supplement the appropriation made by par. (wb).

(zb) *Special funds.* All funds paid into the state treasury by any local unit of government or other source for use on the state trunk and urban highway system, for the purpose for which paid.

(zd) *Special funds; local assistance.* All funds paid into the state treasury by any local unit of government or other source for use on county trunk highways and town roads, for the purpose for which paid.

(zf) *Investments and services.* All revenues received from investments and bonding programs of the highway fund and the service fees and sales of and by the department plus all moneys received from permits imposed by s. 84.30, to supplement the appropriation made by par. (vt). Expenses or losses relating to such investments and sales shall be charged to the appropriation made by this paragraph.

(zh) *Federal aid.* As received in the state treasury, all allotments of federal aid funds made to this state for use on either the state trunk highway and connecting streets or federal defense and federal forest and miscellaneous roads, for the purpose for which paid.

(zj) *Federal aid, local assistance.* All allotments of federal highway aid funds made to this state for use on county trunk highways and town roads, as received in the state treasury.

(3) VEHICLE AND DRIVER REGULATION. (u) *General program operations.* The amounts in the schedule for administering the vehicle and driver regulation program.

(v) *Filing fees.* A sum sufficient to pay the county registers of deeds as provided in s. 342.14 (6).

(w) *Driver education.* As a continuing appropriation a sum equal to \$1 collected on all operators' licenses under s. 343.21 (1) (a) and \$2.50 collected on all operators' licenses under s. 343.21 (1) (b) and \$2 collected on all renewals of operators' licenses, except chauffeurs' licenses, under s. 343.21 (1) (c) and (d). From this appropriation funds collected in the prior fiscal year, less the cost of administering such license fees, shall be allotted for driver education in accordance with ss. 20.255 (1) (v), 20.265 (1) (u), 20.292 (1) (u) and 46.03 (16). From the amount allotted to s. 46.03 (16) a sum of \$30, subject to proration if necessary, for each student who successfully completes a driver education course shall be used to reimburse the general fund for moneys expended for driver education under s. 20.435 (3) (a). In addition to these amounts, 25% of the amount collected in the prior fiscal year under s. 343.21 (1) (ba) and 25% of the amount collected under s. 343.21 (1) (c) for the renewal of chauffeurs' licenses, shall be applied to s. 20.292 (1) (u) for the training of chauffeurs and the purchase of equipment for such training by the board of vocational, technical and adult education. Such apportionment shall be made upon such reports in such form and containing such information as the board of vocational, technical and adult education requires.

(y) *Rental payments.* From the state building trust fund, a sum sufficient for the payment of rentals on leases and subleases entered into by the department under s. 110.20 on projects designated and approved by the building commission when the projects are initiated and on projects designated and approved by the building commission after initiation thereof. The highway fund shall reimburse the general fund in an amount equal to the amounts paid under this paragraph.

(9) GENERAL PROVISIONS. (u) *Fiscal year-end transfers.* Any cash balance remaining under the appropriation made by sub. (2) (u) on August 15 following the close of any fiscal year shall be transferred to and

is appropriated under sub. (2) (vt). Any prior year's outstanding encumbrance and any claim of a prior fiscal year not evidenced by an encumbrance presented for payment after August 15 shall be charged to such appropriations for the fiscal year in progress.

(v) *Matching federal aid and other funds.* All or part of any allotment from the appropriations made by sub. (2) (vd) to (yd) and (zf) may be used to match or supplement federal aid or other funds made available by any act of congress or any county, city, village or town for the purposes set forth in such paragraphs, provided the department and any municipality or other commission or official given any control over the disposition of any such allotment deems it advisable. Every part of every allotment made from an appropriation in this section shall be expended only for the purpose for which the allotment is made. The intent of this subsection is to permit, where state funds are as herein provided made available for such purposes, the matching or supplementing of federal aid funds in accordance with the purposes of any act of congress, including without limitation because of designation the elimination of hazards to life at railroad grade crossings, the construction, reconstruction and improvement of secondary or feeder roads and any other highway purpose within the purview of any such act of congress.

(y) *Appropriation of federal aid and other special funds.* Appropriations made by sub. (2) (zh) and (zj) shall be expended by the department in connection with the appropriation provided in this section where applicable and in accordance with the requirements of and regulations made under and pursuant to any applicable act of congress. Section 20.903 shall not apply to that part of any debt or liability contracted or created on any highway project in anticipation of payment thereof out of federal aid funds pursuant to any applicable act of congress.

(z) *Special funds.* Appropriations made by sub. (2) (zb) and (zd) shall be expended by the department in accordance with the purposes for which such moneys were paid into the state treasury and may, where applicable, be used as state funds to match or supplement federal aid on projects for such purposes.

(za) *Supplementation.* The appropriations made by sub. (2) (yb) and (yd) shall be used to supplement the appropriation made by sub. (2) (wb) as follows:

1. Thirty per cent to counties, apportioned in the same ratio as and to supplement the allotment under sub. (2) (wb) pursuant to s. 83.10.
2. Thirty per cent to towns, apportioned in the same ratio and to supplement the allotment under sub. (2) (wb) pursuant to s. 86.31.
3. Fifteen per cent to all villages and to cities with populations of not more than 10,000 to supplement the allotment under sub. (2) (wb) pursuant to s. 86.31, to be allocated to each village and city in proportion to the mileage in each on which aids were allocated in s. 86.31.
4. Twenty-five per cent to applicable counties and to cities with populations of more than 10,000 to supplement the allotments under sub. (2) (wb) pursuant to ss. 59.965 (11) and 86.31, apportioned in the same ratio as such allotments.

5. On April 15 an amount equal to one-half of the amount that was paid to such county, town, village and city under sub. (2) (yb) and (yd) from the revenues of the previous fiscal year shall be prepaid as part of the allotment due on the following June 30 pursuant to said paragraphs. The department may adjust, as it deems necessary to avoid duplication or overpayment, the amounts of prepayments or payees to compensate for changes in incorporation status or boundaries of municipalities which have occurred since the payments from the revenues of the previous fiscal year.

SECTION 6. Title XI (title) of the statutes is relocated to precede chapter 79.

SECTION 7. Chapter 79 of the statutes is created to read:

CHAPTER 79.

DEPARTMENT OF TRANSPORTATION.

79.01 PLANNING. The department of transportation may direct and undertake all planning in the areas of highways, motor vehicles, traffic law enforcement, aeronautics, mass transit systems and for any other transportation mode. All state, regional and municipal agencies created pursuant to statute law shall to the extent practicable, when dealing with transportation, recognize and give due regard to recommendations made by the secretary of transportation. The department may direct and undertake planning for ports, harbors and waterways when requested by a state, regional or municipal agency or harbor commission.

79.02 FEDERAL REDUCTION OR TERMINATION OF AID. All appropriations made to the department of transportation under s. 20.395 are subject to the specific provision that if federal government funding of any portion of a program under s. 20.395 is reduced or terminated, the secretary of transportation may terminate or reduce state participation in the program in such proportion as he deems appropriate.

Approved August 29, 1969.
