

2005 Senate Bill 331

Date of enactment: **December 22, 2005**

Date of publication\*: **January 9, 2006**

## 2005 WISCONSIN ACT 85

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

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

**SECTION 1.** 25.40 (3) of the statutes is created to read:

25.40 (3) (a) Except as provided in s. 85.52 (3) (cm), beginning on July 1, 2007, no moneys deposited in the transportation fund that are not appropriated may be transferred from the transportation fund to any other fund or appropriation account in any other fund.

(b) Beginning on July 1, 2007, no moneys may be appropriated from the transportation fund except for purposes related to the planning, design, construction, reconstruction, expansion, rehabilitation, maintenance, or operation of highway, airport, harbor, ferry, railroad, bicycle, or pedestrian facilities or service, or any costs attendant to such planning, design, construction, reconstruction, expansion, rehabilitation, maintenance, or operation; the acquisition of transportation facilities or property necessary to construct or enlarge transportation facilities, or costs attendant to such acquisition or to disposal of any acquired facility or property; costs associated with utility facilities within the rights-of-way of transportation facilities or with radio communications facilities and equipment owned or leased by, and services provided by, the department of transportation and used for law enforcement; aids or assistance to cities, villages, towns, or counties for transportation purposes; the

expenditure of federal transportation aid received by the state for any purpose for which the aid is provided or the provision of matching or supplemental funds associated with such aid, or the expenditure of funds derived from gifts or grants received by the department of transportation for any purpose for which the gift or grant is provided; state enforcement of traffic laws; transportation safety programs; the administration of laws related to motor vehicles, driver licensing, or aeronautics; the payment of principal and interest on bonds issued for highway, railroad, or harbor improvements or other transportation facilities; the general costs of administration of the department of transportation; the costs of administration of the taxes and fees that are deposited in the transportation fund; terminal tax distribution payments under s. 76.24 (2) (a); tourism promotion under s. 20.380 (1) (w); transfers to the conservation fund for motor fuel tax collections on the use of fuel by snowmobiles, all-terrain vehicles, and motorboats; any refunds of transportation fund taxes and fees authorized by law; or any other program administered by the department of transportation on the effective date of this subsection .... [revisor inserts date].

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

---

\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**2005 Wisconsin Act 85**

**2005 Senate Bill 331**

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

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

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

under s. 78.017.

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

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

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

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

---