

The general

cupants of the state office building for current rental, quarterly or oftener in accordance with rules adopted by it of which rules the occupants affected shall have 30 days written notice and the rentals received shall within 10 days of their payment be paid into the state treasury and credited by the state treasurer to the state office building fund hereinafter created. All rentals or other revenues received from the leasing of such state office building shall be paid into such fund and are appropriated therefrom to the state office building commission for making amortization payments to the insurance fund and for the execution of its functions as provided by law.

Approved June 20, 1945.

No. 158, A.]

[Published June 26, 1945.

CHAPTER 358.

AN ACT to repeal 20.051 (1), (2), and (4), 20.09 (5m) and (5n), 20.51 (5), and 194.04 (6); to repeal and recreate 20.491; to amend 14.68 (5) and 20.49 (Introductory paragraph), (1), (1m), (1n), (3), (4) (Introductory paragraph) and (a), (5), (5a), (6), (6a), (7), (7b), (7m) (b), (9) (a), and (10), 20.495 (1), 84.10 (Introductory paragraph) and 194.50; and to create 20.052, 20.091, 20.49 (7c) and 20.511 of the statutes, creating a separate state highway fund, providing that motor carrier fees and taxes shall be paid into the state highway fund, and making an appropriation.

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

SECTION 1. 14.68 (5) of the statutes is amended to read:

14.68 (5) The motor vehicle department shall have power to receive checks in payment of motor vehicle license fees and such checks shall be deposited with the state treasurer *in the state highway fund*. Any overpayment on account of any * * * license fees shall be refunded by the state treasurer *from the state highway fund* on the certificate and audit of the motor vehicle department. All excess payments not so refunded shall be placed in the revolving fund created in * * * *section 20.052 (2)*, from which revolving fund there shall be paid the amount of any check which shall be returned unpaid. It shall be the duty of the motor vehicle department to immediately de-

mand payment of any such unpaid check, and in the event the same is not paid within 5 days to cancel any motor vehicle license issued in consideration of such check, and to forward the same to the district attorney of the county where such check was issued for prosecution according to law.

SECTION 2. 20.051 (1), (2) and (4), 20.09 (5m) and (5n), and 20.51 (5) of the statutes are repealed.

SECTION 3. 20.052 of the statutes is created to read:

20.052 MOTOR VEHICLE DEPARTMENT. All moneys received by the motor vehicle department as motor vehicle registration fees, operator's license fees, and motor carrier fees and taxes shall be paid into the state highway fund. There is appropriated from the state highway fund to the motor vehicle department:

(1) Annually, beginning July 1, 1945, \$763,500 for the execution of its functions under chapters 85, 110 and 194.

(2) As a revolving appropriation, sums received under section 14.68 (5), to be used for the refund of overpayments of motor vehicle license fees. The balance in the revolving fund under section 20.051 (2), laws of 1943, shall be transferred and paid into the revolving fund under this subsection.

(3) Annually, beginning July 1, 1945, \$25,000 for the execution of its functions under sections 85.08 and 85.09.

(4) On July 1, 1945 and on July 1 every fourth year thereafter, \$85,000 for the execution of its functions under sections 85.08 and 85.09.

(5) Payments from the appropriations made by this section shall be made only on the order of the motor vehicle department.

SECTION 4. 20.091 of the statutes is created to read:

20.091 DEPARTMENT OF TAXATION; MOTOR VEHICLE FUEL TAX. All moneys received by the department of taxation under chapter 78 shall be paid into the state highway fund. There is appropriated from the state highway fund to the department of taxation:

(1) COLLECTION OF MOTOR FUEL TAX. Annually, beginning July 1, 1945, \$85,000 to pay the expense of administering the tax on motor vehicle fuels imposed by chapter 78.

(2) PREMIUMS ON MOTOR FUEL TAX BONDS. Annually beginning July 1, 1945, \$15,000 for payment of premiums on bonds furnished under section 78.03 (6) and (7).

(3) MOTOR FUEL TAX REFUNDS. Annually, beginning July 1, 1945, such sum as may be necessary to pay the motor fuel tax refunds under section 78.14.

(4) Payments from the appropriations made by this section shall be made only on the order of the department of taxation.

SECTION 5. 20.49 (Introductory paragraph), (1), (1m), (1n), (3), (4) (Introductory paragraph) and (a), (5), (5a), (6), (6a), (7), (7b), (7m) (b), (9) (a), and (10) of the statutes are amended to read:

20.49 (Introductory paragraph) There is appropriated * * * to the state highway commission * * * as received in the state highway fund the surplus of the motor vehicle registration fees, operator's license fees, * * * motor vehicle fuel taxes, and motor carrier fees and taxes, after deducting the actual costs of administration paid from the appropriations made by sections * * * 20.052, 20.091, and 20.511. The amount * * * thereof collected in each fiscal year shall be apportioned and * * * allotted by the commission * * * in the amounts and on the dates hereinafter provided; and if no date is specified, then at such time or times during such fiscal year as the commission may determine:

(1) * * * \$100,000 for the execution of its functions. Of this there is allotted:

(1m) * * * \$50,000 to carry out the functions of the state planning board. *Payments from such allotment shall be made only on the order of the state planning board.*

(1n) * * * \$15,000 for the preparation of a topographical map of the state of Wisconsin. No part of this appropriation shall become available unless an equivalent amount is made available by the federal government for expenditure in this state for such purpose.

(3) * * * For marking and signing the state trunk highway system, \$100,000.

(4) (Introductory paragraph) * * *

(a) *On June 30* to meet the provisions of section 83.10 \$3,500,000 plus a sum equal to \$65 per mile of county trunk highways.

(5) * * * Not to exceed \$900,000 to pay the state's portion of the cost of bridges under sections 84.11 and 84.12.

(5a) * * * \$25,000 for improving highways forming the most convenient connection between the university, state teachers' colleges, state charitable or penal institutions, and the state

trunk highway system, or to construct roadways under or over state trunk highways that pass through the grounds of the university, state teachers' colleges, or any state charitable or penal institution, or to construct and maintain all drives and roadways on the grounds of the university, state teachers' colleges, or any state charitable or penal institution. All work under this subsection shall be determined jointly with the board of regents of the university, the board of normal school regents, and the state department of public welfare. Any balance in this appropriation on June 30, 1941 shall be available for the purposes herein stated.

(6) * * * \$200,000 for the construction and maintenance of roads, including fire roads, in the state parks and state forests and other public lands as defined in chapter 24, and for highways or fire roads leading from the most convenient state trunk highways to such lands. All work done under this subsection shall be determined with the state conservation commission for state park and forest lands, and with the land commission for other classes of public lands and the county board of the county wherein the lands affected are situated. All work shall be done by or under the authority or with the approval of the state highway commission. Outside the limits of the said park, state forest and public land areas, not more than 2 direct connections to the most convenient state trunk highway may be built or maintained under the provisions of this subsection. The expenditure of funds under this subsection shall not affect the eligibility of any highway for aids or the expenditure of other funds thereon.

(6a) * * * \$20,000 to be expended by the highway commission for landscaping right of ways, developing and maintaining roadside park areas, and for the purchase of land when necessary for such purposes, pursuant to the provisions of section 84.03 (9a).

(7) * * * \$15,000 for the purpose of making surveys of local road materials available for the construction and maintenance of the highways. All work done under this subsection shall be done by the state geologist, on plans approved by and in such places as shall be directed by the highway commission.

(7b) * * * \$100,000 to pay the state's share of the apportionable cost of railroad grade crossing improvements on the state trunk highway system, which shall be expended on projects where the state's share of the apportionable costs exceeds \$15,-

000 in such order and in such places as the commission shall from time to time determine will best meet the highway requirements of the people of the state, and may be used for improvements either independent of or in conjunction with any other funds that may have been or may be available for the improvement of the state trunk highway system in any county. The apportionable cost is defined as that amount which may be decided upon by the highway commission, the public service commission and the railway company as representing the financial interest of the railway company and of the public in the elimination of the crossing hazard.

(7m) (b) * * * \$7,500 for the purchase of highway maps as provided in section 35.84 (13a) and for free distribution to the public.

(9) (a) * * * To carry out the purposes of sections 84.03 (9), 84.10, 86.24, and 20.49 (9) (b), the amount remaining unallotted at the close of the fiscal year after the amounts appropriated under subsections (1) to (8) have been set aside.

(10) Payments from the appropriations made by subsections (1), (1n), (2), (3), (4), (5), (5a), (6), (6a), (7), (7a), (7b), (7c), (7m), (8), (9) and (13) hereof, and section 20.495, shall be made only on the order of the state highway commission from which order the secretary of state shall draw his warrant in favor of the payee and charge the same to the proper appropriation. * * * Any balance remaining at the end of the fiscal year for which the appropriation is made shall go forward and be available for the same purpose in succeeding years.

SECTION 5a. 20.49 (7c) of the statutes is created to read:

20.49 (7c) MUNICIPAL STREETS. For the improvement of connecting streets and state trunk highways in cities and villages and to supplement the appropriation made under section 20.49 (9) (a) to carry out the purposes of section 84.03 (9), an amount equal to the surplus of the motor carrier fees and taxes after deducting the actual costs of administration, which amount may be used either independent of or in conjunction with any other funds which may be made available under section 20.49, or otherwise, for the same purpose. All of such funds shall be apportioned for connecting streets and state trunk highways in cities and villages until all federal road aid allocated

for such projects in cities and villages shall have been matched in full.

SECTION 6. The amendment of section 20.49 by SECTION 5 of this act shall not affect the appropriations to be made on July 1, 1945, as provided in section 20.49 of the statutes of 1943; and the unexpended balances from appropriations made pursuant to that section on or before July 1, 1945, shall remain available for the purposes for which they were appropriated or allotted, including the purposes of section 20.49 (9) (b).

SECTION 7. 20.491 of the statutes of 1943 is repealed, and the balance on July 1, 1945, in the state trunk highway fund created by that section, after making all necessary distributions and adjustments affecting operations of the fiscal year ending June 30, 1945, and the transfer of the allotments available on July 1, 1945, to meet the provisions of section 84.03 (3) and (4), shall be paid into the state highway fund created by section 20.491 under SECTION 8 of this act, and is appropriated to the state highway commission; and that part of the balance so transferred which is credited to counties shall remain to the credit of the respective counties for expenditure in such counties as authorized under section 84.03 (3) and (4), and that part representing net interest earnings or profits from investments shall be added to the allotment made by section 20.49 (9).

SECTION 8. 20.491 of the statutes is recreated to read:

20.491. STATE HIGHWAY FUND. All moneys collected as motor vehicle registration fees, operator's license fees, motor vehicle fuel taxes, and motor carrier fees and taxes and all federal aid for highways and other funds received in connection with highway operations or for highway purposes shall be deposited in and constitute the separate nonlapsible fund which is created and designated the state highway fund:

(1) Payments made from such fund, except from appropriations made by sections 20.052, 20.091, 20.49 (1m), and 20.511, shall be made only on the order of the state highway commission, from which order the secretary of state shall draw his warrant in favor of the payee and charge the same to the state highway fund.

(2) Upon the request or with the approval of the state highway commission, moneys in the state highway fund may be invested in bonds, and such bonds may be sold, in the same manner and subject to the same limitations as provided by section 14.67.

(3) Postage, insurance, and other expense or losses incident to the purchase or sale of bonds purchased with moneys from the state highway fund, and deposit insurance or other expense properly payable from such fund, shall be charged to the allotment made by section 20.49 (9).

(4) All interest on or profits from investments of moneys belonging to the state highway fund shall be deposited in the state highway fund and are appropriated to the state highway commission and shall be added to the allotment made by section 20.49 (9).

(5) Whenever any costs are incurred, part or all of which are properly chargeable to the state highway fund, the state highway commission may direct the payment thereof from funds available under section 20.49 in either the state highway fund or the general fund, and in such case the commission shall periodically, or upon the completion of particular improvements, determine the amounts of such payments chargeable to the state highway fund and to the general fund and issue transfer vouchers; and the secretary of state shall issue his warrant against the appropriate fund, to be deposited to the fund from which the payments were made, as directed in such transfer voucher.

(6) Except as provided in section 20.491 (5), expenditures from any allotment available under any subsection of section 20.49 shall be made from the state highway fund to the extent that funds are available therein for such allotment before any expenditures are made from balances in the general fund for such allotment.

SECTION 9. 20.495 (1) of the statutes is amended to read:

20.495 (1) There is appropriated from the * * * *state highway* fund to the state highway commission on the respective dates when such allotments may be received in the state treasury all allotments of federal highway aid funds made to this state under any act of congress relating to federal highway aid, including, without limitation because of designation, the act approved July 11, 1916, thirty-ninth United States Statutes at Large, commencing page 355, the act approved November 9, 1921, forty-second United States Statutes at Large, commencing page 212, the act approved June 16, 1936, forty-ninth United States Statutes at Large, commencing page 1, 519, and all acts of congress now or hereafter amendatory of or supplementary to any such acts. Such amounts shall be expended by the com-

mission in connection with the appropriation provided in section 20.49 where applicable and in accordance with the requirements of and regulations made under and pursuant to any applicable act of congress. The provisions of section 20.75 of the statutes shall not apply to that part of any debt or liability now or hereafter contracted or created on any highway project in anticipation of payment thereof out of federal aid funds pursuant to any applicable act of congress.

SECTION 10. 20.511 of the statutes is created to read:

20.511 PUBLIC SERVICE COMMISSION; MOTOR VEHICLE REGULATION. All moneys received by the public service commission as motor carrier fees and taxes shall be paid into the state highway fund. There is appropriated from the state highway fund to the public service commission:

(1) Annually, beginning July 1, 1945, \$80,000 to be used for carrying out its functions under chapter 194 and section 76.54.

(2) Payments from the appropriation made by this section shall be made only on the order of the public service commission.

SECTION 11. 84.10 (Introductory paragraph) of the statutes is amended to read:

84.10 (Introductory paragraph) From the appropriation made by section 20.49 (9) the commission shall annually * * * make the allotments as provided in this section.

SECTION 12. 194.04 (6) of the statutes is repealed.

SECTION 13. 194.50 of the statutes is amended to read:

194.50 The tax imposed by sections 194.48 and 194.49 is hereby levied and assessed as partial compensation for the maintenance, repair and construction of the public highways, and shall be in addition to all other taxes imposed upon motor carriers.
* * *

SECTION 14. This act shall take effect July 1, 1945.

Vetoed. Passed over veto, June 12, 1945.