

No. 140, A.]

[Published June 30, 1953.

CHAPTER 318

AN ACT to amend and revise section 20.49 of the statutes and to make other changes in the statutes relating to highway finances, constituting the highway budget bill of the 1953 legislature, and making appropriations.

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

SECTION 1. 20.052 (1) and (1a) of the statutes are amended to read:
20.052 (1) On July 1, * * * 1953, \$1,585,400, and annually, beginning July 1, * * * 1954, \$1,541,600, for the execution of its functions under chs. 85, 110 and 194, excluding postage and the purchase of license plates and the operation, maintenance and installation of a radio system. Of this appropriation there is allotted for the following purposes:

	* * *	* * *	1953-1954	1954-1955
Personal services	* * *	* * *	\$1,162,000	\$1,166,300
Materials and expense	* * *	* * *	359,300	347,600
Capital outlay	* * *	* * *	64,100	27,700

(1a) On July 1, * * * 1953, \$88,400, and annually, beginning July 1, * * * 1954, \$88,600 for the operation * * * and maintenance * * * of a radio system. Of this appropriation there is allotted for the following purposes:

	* * *	* * *	1953-1954	1954-1955
Personal services	* * *	* * *	\$58,900	\$60,300
Materials and expense	* * *	* * *	23,100	24,300
Capital outlay	* * *	* * *	6,400	4,000

SECTION 2. 20.052 (1c) of the statutes is created to read:

20.052 (1c) On July 1, 1953, as a nonlapsible appropriation, \$254,000 for constructing and equipping a micro-wave radio system.

SECTION 3. 20.49 (Introductory paragraph) and (1) 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 * * * amounts paid or transferred for the costs of administration and operation of the motor vehicle department, department of taxation, and public service commission in performing their functions under chapters 78, 85, 110, 129, 194 and 218 and ss. 40.34 (3) and 76.54 (17), and the costs paid from the appropriation * * * made by * * * s. 20.016. The amount thereof collected in each fiscal year and appropriated by this section 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) On July 1, 1953, * * * \$1,483,400, and on July 1, 1954, \$1,528,700 for its costs of administration, supervision and * * * other expense of performing its administrative functions not otherwise financed. Of this appropriation there is allotted for the following purposes:

		1953-1954	1954-1955
Personal services		\$1,071,300	\$1,106,100
Materials and expense		387,100	397,600
Capital outlay		25,000	25,000

Any cash balance remaining under this subsection on August 31 following the close of any fiscal year shall be transferred to and is appropriated under s. 20.49 (9). Any prior year outstanding encumbrance and any claim of a prior fiscal year presented for payment after August 31 shall be charged to the appropriation made by this subsection for the current fiscal year in progress.

SECTION 4. 20.49 (1n), (3), (6a), (7), (7e), (7m), (9) (b) and (10) of the statutes are repealed.

SECTION 5. The cash balances as of June 30, 1953, in s. 20.49 (1n), (6a) and (7) are transferred to s. 20.49 (9), and any outstanding encumbrance or claim presented for payment after that date shall be charged to that section.

The cash balance as of June 30, 1953, in s. 20.49 (7e) is transferred to s. 20.49 (8) and shall remain available for the purposes as provided in s. 86.34.

The balance as of June 30, 1953, in s. 20.49 (7m) is transferred to s. 20.49 (1). Any prior year outstanding encumbrance on August 31, 1953, and any claim of a prior fiscal year presented for payment after said date shall be charged to s. 20.49 (1).

SECTION 6. 20.49 (2) (a) and (b) of the statutes are renumbered 86.35 (1) and (2) and amended to read:

86.35 (1) ALLOWANCE TO MUNICIPALITIES EQUAL TO AUTO TAXES. From the appropriation made by s. 20.49 (8) there shall be allotted annually on December 15, * * * to each town, village and city, a privilege highway tax in an amount as herein set forth in lieu of the general property tax * * * assessed prior to 1931 on motor vehicles. Each town, village and city shall receive an amount equal to 20 per cent of the net registration fees derived from motor vehicles customarily kept in such town, village or city in the fiscal year ended the previous 30th day of June, but in no case less than the approximate amount collected by said municipalities from the property tax on motor vehicles levied in the year 1930 as computed under ch. 22 of the laws of 1931.

(2) From the first allotment received by each city of the first class under * * * sub. (1) of this * * * section, the city treasurer shall set aside for the respective city school funds established by law, amounts approximately the same as the amounts pro-

vided for such school funds from the collection of the property tax on motor vehicles in such city levied in the year preceding the year in which this * * * subsection takes effect. The amount of such tax so collected shall be arrived at in the manner provided in s. 85.045 (1) and shall be computed by the city comptroller who shall certify his computation to the city treasurer. From each subsequent allotment received by each such city annually thereafter, the city treasurer shall annually set aside for each such school fund an amount which bears the same proportion to the amount set aside for such fund in the previous year as the total allotment received bears to the total allotment received in the previous year, but in no case shall the amount set aside for any such fund be less than the amount set aside from the first allotment received under * * * sub. (1) of this * * * section.

SECTION 7. 20.49 (2) of the statutes is created to read:

20.49 (2) INSTITUTION ROADS. Not to exceed \$100,000 for the purposes provided in s. 84.27.

SECTION 8. 20.49 (5a) of the statutes is renumbered 84.27 and amended to read:

84.27 INSTITUTION ROADS. * * * *The appropriation made by s. 20.49 (2) may be expended for improving highways forming the most convenient connection between the university, state colleges, * * * the Stout institute, * * * 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 colleges, * * * the Stout institute * * *, or any state charitable or penal institution, or to construct and maintain all drives and roadways on the grounds of the university, state colleges, * * * the Stout institute * * *, the state capitol or any state charitable or penal institution. Within the limitations and for the purposes of this * * * section, funds may be allotted by and work performed by or under the supervision or authority of the state highway commission, upon the request for such work filed by the board of regents of the university, the board of regents of state colleges, * * * the board of trustees of the Stout institute * * *, or the state boards, commissions, departments or officers, respectively, as to such work in connection with the institution controlled by them.*

SECTION 9. 20.49 (6) of the statutes is renumbered 84.28 and amended to read:

84.28 * * * *The appropriation made by s. 20.49 (6) may be expended for the construction and maintenance of roads, including fire roads, in the state parks, state forests, state fish hatcheries, other public used areas under the jurisdiction of the conservation commission and other public lands as defined in ch. 24, and for highways or fire roads leading from the most convenient state trunk highways to such lands. Within the limitations and for the purposes of this * * * section, funds may be allotted by and work performed by or under the supervision or authority or with the approval of the state highway commission, upon the request for such work filed by the state conservation commission as to state park or forest lands, or the land commission as to other classes of public lands. Outside the limits of the said park, state forest and public land areas, direct connections to the most convenient state trunk highway may be built or maintained under the provisions of this * * * section. The expenditure of funds under this * * * section shall not affect the eligibility of any highway for aids or the expenditure of other funds thereon.*

SECTION 10. 20.49 (6) of the statutes is created to read:

20.49 (6) STATE PARK ROADS. Not to exceed \$500,000 for the purposes provided in s. 84.28.

SECTION 11. 20.49 (6b) of the statutes is renumbered 20.49 (3) and amended to read:

20.49 (3) * * * BRIDGE MAINTENANCE AND OPERATION. * * * *Not to exceed \$75,000 for the maintenance and operation of bridges as provided in s. 84.10.*

SECTION 12. 20.49 (8) of the statutes is created to read:

20.49 (8) HIGHWAY AIDS TO COUNTIES, TOWNS, VILLAGES AND CITIES. A sum sufficient for highway aids as provided by ss. 83.10, 86.31, 86.32, 86.33, 86.34 and 86.35.

SECTION 13. 20.49 (8) (a) and (b) of the statutes are renumbered 86.31 (1) and (2) and amended to read:

86.31 (1) LOCAL ROADS AND STREETS ALLOTMENT * * *. *From the appropriation made by s. 20.49 (8) the commission shall allot annually, on March 10, to the towns, villages and cities of the state, for the improvement of public roads and streets within their respective limits which are open and used for travel, and which are not state or county trunk highways or connecting streets, the following sums:*

(a) Each town and village shall receive for each mile of such road or street, the sum of \$65;

(b) Each city * * * shall receive for each mile of such road or street, * * * based on its population (according to the last federal census), a sum as follows:

Population	
not more than 10,000	\$130
10,001 to 36,000	\$260
36,001 to 150,000	\$390
150,001 or more	\$520

(c) Whenever it shall be made to appear to the satisfaction of the * * * commission that, since the taking of the last federal census, any city by the annexation of adjacent territory has increased its population beyond 10,000, 36,000, or 150,000, then the payments to be made to such city pursuant to the provisions of *this* paragraph * * * shall be made on the same basis as if such increased population had appeared from the last federal census.

(d) The amounts allotted to cities, towns and villages under this subsection shall be paid into their respective treasuries. The * * * sums allotted * * * may be used for snow clearance, ice prevention, and dust alleviation purposes. The amounts allotted to the towns and villages shall be expended by the town and village officers, subject to the supervision and approval of the county highway committee, but the town and village boards may authorize the work to be done by the county. If the work is done by the county, the amount allotted for towns and villages shall be paid into the county treasury. A report of the work done shall be made each year by the town or village board, if the town or village does the work, and by the county highway commissioner if the work is done by the county. Copies shall be filed with the clerk of the town or village, the county clerk and the highway commission.

(e) The board of every town and village, and the council of every city, shall file with the commission and with the county clerk, a correct plat of their respective towns, villages and cities showing the mileage of roads and streets open and used for travel. In computing the mileage, the lengths included in road and street intersections shall not be included more than once. One-half of the mileage of roads or streets on boundary lines shall be considered as lying in each town, village or city.

(2) The payments provided under * * * sub. (1) shall not be made until such time as the town clerk or chairman, or city or village clerk has filed with the commission his certification stating that the town, city or village has complied with the provisions of s. 40.895 requiring the marking of school zones and that such markings are presently in good condition. Such certification shall set forth the names of the schools within the municipality where markings have been made and are being maintained. If it shall be found that the municipality has omitted to properly mark any school zones within its boundaries, \$25 shall be deducted from the money payable under the provisions of * * * sub. (1) for each school omitted.

SECTION 14. 20.49 (9) (a) of the statutes is renumbered 20.49 (9) (Introductory paragraph), (a) and (b), and amended to read:

20.49 (9) (Introductory paragraph) To carry out the purposes as provided in ss. 20.491 (3), 84.01 (7) and (21), 84.03 (9), and 84.07 * * *:

(a) The amount remaining after the allotments provided by subs. (1) to (8) have been set aside; but the allotment under this subsection shall not exceed * * * \$10,700,000.

(b) * * * The amount added by sub. (11) (a).

SECTION 15. 20.49 (11) (d) of the statutes, as created by chapter 38, laws of 1953, is amended to read:

20.49 (11) (d) When, in any year following the year in which the taking of a federal census is begun, the allotments pursuant to s. 20.49 (8) (a) (*statutes of 1951*) and s. 86.31 (1) (*statutes of 1953*) are not based on population figures from the official federal report issued by the director of census as his complete tabulation because such report was not available, the commission shall, when the report is available, review such allotments, and when not in accordance with the population figures as given in the report, compute the differences between the amounts that each municipality would have received pursuant to s. 20.49 (8) (a) (*statutes of 1951*) and s. 86.31 (1) (*statutes of 1953*) and 20.49 (11) (b) on the basis of such report and the amounts they did receive. The amounts thus determined as underpayments and overpayments on the basis of such report shall respectively be deducted from and added to the amounts to be apportioned pursuant to s. 20.49 (11) (a) and (b), (1), (2), (3) and (4) for the year in which the adjustment is made, in accordance with the gain or loss which was experienced in each such allotment in the previous year by reason of such underpayments and overpayments, and shall be respectively added to and deducted from the allotments for such year to be made to such municipalities under s. 20.49 (11) (b).

SECTION 16. 20.491 (1) of the statutes is amended to read:

20.491 (1) Payments made from such fund, except from appropriations made by ss. 20.016 * * * and 20.052, * * * or authorized by s. 25.17, shall be made only on the order of the state highway commission, from which order the director of budget and accounts shall draw his warrant in favor of the payee and charge the same to the state highway fund.

SECTION 17. 20.74 (2) of the statutes is amended to read:

20.74 (2) Allotments may be made by the emergency board from any state fund as it may deem advisable to supplement appropriations made from such fund. All allotments made to an appropriation and all transfers made between allotments within an appropriation made pursuant to this subsection shall be certified to the director of budget and accounts, and expenditures therefrom shall be shown in the state budget report as an additional cost of the department or commission and activity for which such allotments were made. To the extent that allotments are made pursuant to this subsection in any fiscal year, the appropriations made by sub. (1) for such fiscal year shall be correspondingly reduced, with the exception that allotments made from the conservation fund for emergency forest fire fighting purposes shall not correspondingly reduce the appropriations made by sub. (1) for such fiscal year. *With the approval of the emergency board, transfers may be made between allotments within any appropriation made to the highway commission from highway funds, and between allotments within any appropriation made to the conservation commission from conservation funds.*

SECTION 18. 83.10 (1) of the statutes is amended to read:

83.10 (1) From the appropriation made by s. 20.49 * * * (8), there shall be allotted *annually on June 30*, by the state highway commission, to the several counties as state aid for the county trunk highway systems, the sum of \$3,500,000. Forty per cent of such allotment shall be in the ratio that the number of motor vehicles registered from each county in the fiscal year ended the previous June 30 bears to the total number registered in the state and 60 per cent in the ratio that the mileage of highways on the preceding January 1 in each county exclusive of highways and streets in cities and villages bears to the total mileage of such highways in the state. From the appropriation made by such subsection there shall be an additional *annual allotment on June 30* to each county equal to \$65 per mile of county trunk highways in such county on the preceding January 1. Such allotments shall be used for constructing, repairing and maintaining the county trunk highway system and the bridges thereon, including snow and ice removal and control, under the direction of the county highway committees. Any county may allocate all or part of its allotment, with the approval of the commission, to match or supplement federal aid funds for the construction, reconstruction and improvement of the county trunk highway system and in such event such amount may be retained by or paid to the commission or the state treasury as the commission may require and shall be expended in accordance with the provisions of s. 84.06 and any applicable act of congress. All or part of such allotment not allocated to match or supplement federal aid as herein provided shall be expended in accordance with the applicable provisions of this chapter.

SECTION 19. 84.02 (5) of the statutes is amended to read:

84.02 (5) As often as it may deem necessary, the commission shall publish maps showing the state trunk highway system and such other main highways and other features as may seem desirable. Such maps shall be furnished to the director of purchases upon the requisition of the commission and shall be sold by him at a price to be fixed by the commission, which price shall be not less than cost. The commission may permit the use of the base plates for other maps and publications in consideration of a fair fee for such use. *The commission shall make and publish or duplicate such maps as are required for its use, and shall publish folded highway maps of Wisconsin for free distribution to the public.*

SECTION 20. 84.03 (9) and (9a) of the statutes are renumbered 84.03 (9) (a) and (b) and amended to read:

84.03 (9) (a) That part of the appropriation made by s. 20.49 (9), not required for the other purposes therein provided, may be used by the commission for the improvement and traffic service of the state trunk highway system and connecting streets, *for the purchase and operation of equipment, making surveys for locating local road materials, testing of materials, and for other purposes provided in this section*, and to match or supplement federal aid for the construction, reconstruction or improvement of the federal aid highway system, secondary or feeder roads, the elimination of hazards at railroad grade crossings and for any other highway purpose for which the state may match or supplement federal aid funds pursuant to any act of Congress. Where such funds are used for the improvement of the state trunk highway system or connecting streets or to

match or supplement federal aid they shall be expended in accordance with s. 84.06 and any applicable act of Congress. Any funds expended pursuant to this * * * *paragraph* shall be expended by the commission on such projects within the provisions of this * * * *paragraph*, and executed in such manner, as the commission shall from time to time determine will best meet the needs of travel and best promote the general welfare. Such funds may be used for improvements, within the provisions of this * * * *paragraph*, independent of or in conjunction with other funds available for such improvements. The requirements of any federal highway act, or regulations issued thereunder, may be met from such appropriation.

(b) The commission may landscape along, and develop and maintain wayside areas along, or in close proximity with state trunk highways. Such areas may be developed within highway rights of way and upon lands otherwise publicly owned or controlled, or on lands acquired in proximity therewith. The commission may acquire lands needed for such purposes, but, except as otherwise provided by law, no area in excess of 5 acres shall be acquired for the purposes of this * * * *paragraph*. Development and maintenance includes planting, landscaping, the furnishing of sanitary, parking, cooking and picnicking facilities and any other facility which the commission deems reasonably necessary to accommodate travelers and provide convenient and safe access thereto by pedestrians and vehicles. * * * Nothing herein shall limit the commission's power to expend * * * *any* funds which it is otherwise authorized to expend for similar purposes.

SECTION 21. 84.03 (9) (c) of the statutes is created to read:

84.03 (9) (c) For the preparation of topographical maps of parts of Wisconsin in cooperation with the federal government, there may be expended annually an amount not exceeding \$15,000, and not exceeding the amount made available by the federal government for expenditure in Wisconsin for such purpose.

SECTION 22. 84.10 (Introductory paragraph) of the statutes is repealed.

SECTION 23. 84.10 (1), (2) and (4) of the statutes are renumbered 86.32, 86.33 and 86.331 and amended to read:

86.32 CONNECTING STREETS ALLOTMENT. *Annually* on January 1, for the ensuing calendar year, *from the appropriation made by s. 20.49 (8)*, the commission shall allot to each city and village a sum computed at \$500 per mile of connecting streets within its limits. The allotments may be used for maintenance, repair, construction, snow and ice removal and control, cleaning, drainage, and traffic regulations on such connecting streets, and may be accumulated for such purposes. The funds shall be held to the credit of such cities and villages, and paid to the treasurers thereof upon presentation to and approval by the commission of certified statements, itemized as required by the commission, setting forth the amounts expended on connecting streets; provided the maintenance thereof is satisfactory to the commission.

86.33 SWING OR LIFT BRIDGES ALLOTMENT. *From the appropriation made by s. 20.49 (8)*, the commission shall allot to cities of the first, second and third class, for the maintenance and operation of free, swing or lift bridges located on connecting streets in such cities, not to exceed \$130,000. Such allotment shall be distributed by the commission on February 15 of each year and shall be apportioned pro rata upon the basis of, but not exceeding, the necessary and actual expenditures by each city. Each city shall annually, on or before January 31, submit a written report to the commission showing the actual expenditures during the previous calendar year for the maintenance and operation of such bridges.

86.331 Any city or village may arrange to have any work on connecting streets or swing or lift bridges for which an allotment is made under * * * *ss. 86.32 or 86.33* performed by the county.

SECTION 24. 84.10 (3) of the statutes is renumbered 84.10 and amended to read:

84.10 MAINTENANCE AND OPERATION OF BRIDGES NOT ON STATE TRUNKS. * * * *The appropriation made by s. 20.49 (3) shall be expended by the commission* for the maintenance and operation of bridges not on the state trunk highway system which were constructed, reconstructed, or purchased under ss. 84.11 and 84.12 and free bridges located on connecting streets in cities of the fourth class which have a length, not including approaches, of 300 feet or more, or a swing or lift span. All matters relating to the maintenance and operation of such bridges shall be under the control of the commission. Maintenance and operation shall not include the roadway lighting system and shall not include snow and ice removal and control for bridges located on connecting streets. The commission may arrange with the county highway committee or with the village or city for the operation or maintenance or both of any such bridge; and the county highway committee, village or city are authorized to enter into such arrangement.

SECTION 25. 85.055 (2) of the statutes is amended to read:

85.055 (2) Upon compliance with this section by a nonresident motor vehicle owner or operator, the motor vehicle department shall issue to him an identification plate for each vehicle so registered. The identification plate shall be carried and displayed on the motor vehicle which is identified on the application blank for such registration. Upon such compliances, such owner is entitled to operate such motor vehicle within the state for and during such time as he continues to own such motor vehicle with license to operate the same in his own state or county. * * *

SECTION 26. 86.24 (1), (2), (3) and (5) of the statutes are renumbered 86.34 (1), (2), (3) and (5).

SECTION 27. 86.24 of the statutes is renumbered 86.34 (4) and amended to read:

86.34 (4) *From the appropriation made by s. 20.49 (8) there shall be set aside annually on July 1 the amount required to replace the net amounts paid, allotted, or determined to be payable from the funds previously set aside for the purposes of this section, to reestablish an unencumbered sum of \$500,000, to be used for the purposes of this section.* Whenever the aid allotted or determined to be payable exceeds the cash balance * * * of the funds set aside for this purpose, no further payments shall be made until the following June 30, on which date all amounts allotted or determined to be payable shall be reduced pro rata to the amount of the balance available.

SECTION 28. This act shall take effect on July 1, 1953; except that SECTIONS 4 and 22 shall take effect at the close of business on June 30, 1953; and SECTION 15 shall take effect as to the distribution of revenues of the fiscal year ending June 30, 1953 and shall be retroactive as to allotments made from the revenues of the fiscal year ending June 30, 1951.

Approved June 26, 1953.
