



2007 ASSEMBLY BILL 833

February 21, 2008 - Introduced by Representatives HEBL, HIXSON, ALBERS, BERCEAU, SMITH, ZEPNICK, TURNER and MOLEPSKE, cosponsored by Senator VINEHOUT. Referred to Committee on Transportation.

1 **AN ACT to create** 20.395 (2) (fq) and 86.317 of the statutes; **relating to:** creating
2 a winter highway maintenance grant program in the Department of
3 Transportation, providing an exemption from emergency rule procedures,
4 granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a winter highway maintenance grant program in the Department of Transportation (DOT). Under the program, DOT must annually award grants to cities, villages, towns, and counties (political subdivisions) to reimburse these political subdivisions for expenditures associated with winter maintenance activities on local roads resulting from regional severe weather. "Severe weather" is defined as weather conditions, for a winter maintenance season, in which the amount of snow and ice precipitation and the number of snow or ice events in a DOT transportation region are greater than the region's average amount of snow and ice precipitation and average number of snow or ice events over the immediately preceding five-year period. The amount of each grant is determined by DOT under the standard, criteria, or formula established by DOT by rule, except that no grant may exceed \$50,000.

The bill appropriates \$500,000, in a continuing appropriation, from the transportation fund for the program. DOT must promulgate rules to implement and administer the program.

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1 (d) "Region" means any of the transportation regions that, as of the effective
2 date of this paragraph [revisor inserts date], the department has identified as the
3 southwest region, southeast region, northeast region, north central region, and
4 northwest region or, if at any time any such region no longer exists, any of the
5 transportation regions into which the department has divided the state for
6 operational and administrative purposes.

7 (e) "Severe weather" means weather conditions, for a winter maintenance
8 season, in which the amount of snow and ice precipitation and the number of snow
9 or ice events in a region are greater than the region's average amount of snow and
10 ice precipitation and average number of snow or ice events over the immediately
11 preceding 5-year period.

12 (f) "Street" has the meaning given in s. 340.01 (64).

13 (g) "Winter maintenance activities" means activities to remove, control, or treat
14 snow or ice on local roads.

15 (h) "Winter maintenance season" means from December 1 of a calendar year
16 to March 31 of the following calendar year.

17 **(2) ADMINISTRATION.** (a) The department shall administer a winter highway
18 maintenance grant program to reimburse political subdivisions for winter
19 maintenance activities on local roads, as provided in this section.

20 (b) From the appropriation under s. 20.395 (2) (fq), the department shall make
21 grants to political subdivisions to reimburse these political subdivisions for
22 expenditures associated with winter maintenance activities on local roads resulting
23 from severe weather in the region in which the political subdivision is located. The
24 department shall award grants under this paragraph to all political subdivisions
25 that submit a proper application and meet the requirements under this section. The

ASSEMBLY BILL 833**SECTION 3**

1 amount of each grant awarded by the department shall be determined according to
2 the standards, criteria, or formulas established by the department by rule under sub.
3 (3), except that the department may not award any grant under this section
4 exceeding \$50,000 for a winter maintenance season.

5 (c) The department may not award a grant under par. (b) for winter
6 maintenance activities unless the winter maintenance activities were performed by
7 one of the following:

8 1. A political subdivision.

9 2. A 3rd-party contractor of a political subdivision under a contract that was
10 awarded under a competitive bidding process and that provides that the 3rd-party
11 contractor will be paid by the political subdivision based upon the contractor's actual
12 cost of performing winter maintenance activities in the year in which such activities
13 are performed.

14 (d) Not later than May 1 of each year, any political subdivision may apply to
15 the department, in the manner and form prescribed by the department, for a grant
16 under this section. All grants under this section shall be awarded between May 1 and
17 June 30 of each year.

18 **(3) RULES.** The department shall promulgate rules to implement and
19 administer the program. The rules shall include specific criteria for evaluating grant
20 applications and standards, criteria, or formulas for determining the amount of each
21 grant awarded, including procedures for prorating grant amounts if necessary.

22 **SECTION 4. Nonstatutory provisions.**

23 (1) The department of transportation shall submit in proposed form the rules
24 required under section 86.317 (3) of the statutes, as created by this act, to the

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1 legislative council staff under section 227.15 (1) of the statutes no later than the 30th
2 day after the effective date of this subsection.

3 (2) Using the emergency rules procedure under section 227.24 of the statutes,
4 the department of transportation shall promulgate the rules required under section
5 86.317 (3) of the statutes, as created by this act, for purposes of implementing this
6 act, for the period before the effective date of the rules submitted under subsection
7 (1). The department shall promulgate these emergency rules no later than the 30th
8 day after the effective date of this subsection. Notwithstanding section 227.24 (1) (c)
9 and (2) of the statutes, these emergency rules may remain in effect until July 1, 2009,
10 or the date on which permanent rules take effect, whichever is sooner.
11 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not
12 required to provide evidence that promulgating a rule under this subsection as an
13 emergency rule is necessary for the preservation of the public peace, health, safety,
14 or welfare and is not required to provide a finding of emergency for a rule
15 promulgated under this subsection.

16 **SECTION 5. Effective dates.** This act takes effect on the 30th day after
17 publication, except as follows:

18 (1) SECTION 4 of this act takes effect on the day after publication.

19 (END)