



2013 SENATE BILL 669

March 10, 2014 - Introduced by Senators MILLER, HARRIS and T. CULLEN, cosponsored by Representatives SARGENT, HULSEY, GENRICH, WRIGHT, HEBL, BERCEAU, KAHL, SHANKLAND and WACHS. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT to create** 20.395 (2) (br) and 85.202 of the statutes; **relating to:** creating
2 a transit capital assistance program, providing an exemption from emergency
3 rule procedures, granting rule-making authority, and making an
4 appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) provides state aid payments to local public bodies (eligible applicants) in urban areas served by mass transit systems (urban mass transit systems) incurring a deficit to assist with their operating expenses.

This bill requires DOT to establish and administer a transit capital assistance program to assist transit systems eligible for operating aids with their capital needs. Under the program, DOT must make grants to eligible applicants for the purpose of supplementing the cost of capital expenditures for urban mass transit systems. DOT must establish, by rule, criteria for evaluating applications and awarding grants, but, under these rules, DOT must consider the capital needs of the applicant's urban mass transit system as an important criteria. The bill provides funding for the program, from the transportation fund, of \$15,000,000 annually.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
 2 the following amounts for the purposes indicated:

		2013-14	2014-15
20.395 Transportation, department of			
(2) LOCAL TRANSPORTATION ASSISTANCE			
(br) Transit capital assistance, state			
funds	SEG C	15,000,000	15,000,000

3 **SECTION 2.** 20.395 (2) (br) of the statutes is created to read:
 4 20.395 **(2)** (br) *Transit capital assistance, state funds.* As a continuing
 5 appropriation, the amounts in the schedule for the transit capital assistance
 6 program under s. 85.202.

7 **SECTION 3.** 85.202 of the statutes is created to read:
 8 **85.202 Transit capital assistance program. (1) DEFINITIONS.** In this
 9 section:

- 10 (a) “Eligible applicant” has the meaning given in s. 85.20 (1) (b).
- 11 (b) “Urban mass transit system” has the meaning given in s. 85.20 (1) (L).
- 12 **(2) PROGRAM.** (a) The department shall establish and administer a transit
 13 capital assistance program to make grants under this section.

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1 (b) From the appropriation under s. 20.395 (2) (br), the department shall make
2 grants to eligible applicants for the purpose of supplementing the cost to eligible
3 applicants of capital expenditures for urban mass transit systems.

4 **(3) APPLICATION PROCEDURE AND GRANT CRITERIA.** (a) Any eligible applicant may
5 apply to the department for a grant under this section. The department shall, by
6 rule, prescribe the form of the application.

7 (b) The department shall, by rule, establish the process for submitting
8 applications under this section and the procedures and criteria for evaluating
9 applications and awarding grants. These rules shall require the department, in
10 evaluating and ranking applications, to consider the capital needs of the applicant's
11 urban mass transit system as an important criteria in awarding grants under this
12 section.

SECTION 4. Nonstatutory provisions.

13
14 (1) **PROPOSED PERMANENT RULES.** The department of transportation shall submit
15 in proposed form the rules required under section 85.202 (3) of the statutes, as
16 created by this act, to the legislative council staff under section 227.15 (1) of the
17 statutes no later than the first day of the 4th month beginning after the effective date
18 of this subsection.

19 (2) **RULE-MAKING EXCEPTIONS FOR PERMANENT RULES.**

20 (a) Notwithstanding section 227.135 (2) of the statutes, the department of
21 transportation is not required to present the statement of the scope of the rules
22 required under section 85.202 (3) of the statutes, as created by this act, to the
23 governor for approval.

SENATE BILL 669**SECTION 4**

1 (b) Notwithstanding section 227.185 of the statutes, the department of
2 transportation is not required to present the rules required under section 85.202 (3)
3 of the statutes, as created by this act, in final draft form to the governor for approval.

4 (c) Notwithstanding section 227.137 (2) of the statutes, the department of
5 transportation is not required to prepare an economic impact report for the rules
6 required under section 85.202 (3) of the statutes, as created by this act.

7 (d) Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the statutes, the
8 department of transportation is not required to submit the proposed rules required
9 under section 85.202 (3) of the statutes, as created by this act, to the small business
10 regulatory review board and is not required to prepare a final regulatory flexibility
11 analysis for those rules.

12 (3) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,
13 the department of transportation shall promulgate the rules required under section
14 85.202 (3) of the statutes, as created by this act, for the period before the effective date
15 of the permanent rules promulgated under section 85.202 (3) of the statutes, as
16 created by this act, but not to exceed the period authorized under section 227.24 (1)
17 (c) of the statutes, subject to extension under section 227.24 (2) of the statutes.
18 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
19 is not required to provide evidence that promulgating a rule under this subsection
20 as an emergency rule is necessary for the preservation of public peace, health, safety,
21 or welfare and is not required to provide a finding of an emergency for a rule
22 promulgated under this subsection. Notwithstanding section 227.24 (1) (e) 1d. and
23 1g. of the statutes, the department is not required to prepare a statement of the scope
24 of the rules promulgated under this subsection or present the rules to the governor
25 for approval.

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1 **SECTION 5. Effective dates.** This act takes effect on the first day of the 4th
2 month beginning after publication, except as follows:

3 (1) SECTION 4 (1), (2), and (3) of this act takes effect on the day after publication.

4 **(END)**