State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1139/3 4
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DOA:.....Byrnes, BB0264 – Regional transit authority enabling legislation

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

OTHER TRANSPORTATION

This bill creates a southeast regional transit authority (SE RTA), a Dane County regional transit authority (DC RTA), and a Fox Cities regional transit authority (FC RTA), each of which is a public body corporate and politic and a separate governmental entity. The members of the SE RTA consist of Kenosha County, Milwaukee County, Racine County, and all municipalities located within Kenosha County, Milwaukee County, and that portion of Racine County east of I 94. Any of the counties of Waukesha, Ozaukee, and Washington may join the SE RTA upon adoption of a resolution by the county's governing body and, if one of these counties joins the SE RTA, any municipality located within the county may join the SE RTA upon adoption of a resolution by the municipality's governing body and approval of the SE RTA's board of directors. The jurisdictional area of the SE RTA is the geographic area formed by the combined territorial boundaries of Milwaukee County, Kenosha County, that portion of Racine County located east of I 94, and any other county that joins the SE RTA.

The members of the DC RTA consist of Dane County and all municipalities located within the Madison metropolitan planning area (MMPA). Any municipality located within Dane County but not within the MMPA may join the DC RTA upon adoption of a resolution by the municipality's governing body and approval of the DC

RTA's board of directors. The jurisdictional area of the DC RTA is the geographic area formed by the MMPA combined with the territorial boundaries of all municipalities outside the MMPA that join the DC RTA.

The members of the FC RTA consist of Outagamie County, Calumet County, and Winnebago County and all municipalities located within the urbanized area of the Fox Cities metropolitan planning area (UFCMPA). Any municipality located within Outagamie County, Calumet County, or Winnebago County but not within the UFCMPA may join the FC RTA upon adoption of a resolution by the municipality's governing body and approval of the FC RTA's board of directors. The jurisdictional area of the FC RTA is the geographic area formed by UFCMPA combined with the territorial boundaries of all municipalities outside the UFCMPA that join the FC RTA.

An RTA's authority is vested in its board of directors. Directors serve four-year terms. An RTA's bylaws govern its management, operations, and administration and must include provisions specifying all of the following:

1. The functions or services to be provided by the RTA.

2. The powers, duties, and limitations of the RTA.

3. The maximum rate of the sales and use tax, not exceeding the statutory limit, that may be imposed by the RTA.

An RTA may do all of the following:

1. Establish or acquire a comprehensive unified local transportation system, which is a transportation system comprised of bus lines and other public transportation facilities generally within the jurisdictional area of the RTA. "Transportation system" is defined to include land, structures, equipment, and other property for transportation of passengers, including by bus, rail, or other form of mass transportation. The RTA may operate this transportation system or provide for its operation by another. The RTA may contract with a public or private organization to provide transportation services in lieu of directly providing these services and may purchase and lease transportation facilities to public or private transit companies. With two exceptions, an RTA may not directly or by contract provide service outside the RTA's jurisdictional area.

2. Coordinate specialized transportation services for persons who are disabled or aged 60 or older.

3. Own or lease real or personal property.

4. Acquire property by condemnation.

5. Enter upon highways to install, maintain, and operate the RTA's facilities.

6. Impose, by the adoption of a resolution by the RTA's board of directors, a sales and use tax in the RTA's jurisdictional area at a rate of not more than 0.5 percent of the gross receipts or sales price.

7. Incur debts and obligations. An RTA may issue tax-exempt revenue bonds, secured by a pledge of any income or revenues from any operations or other source of moneys for the RTA. The bonds of an RTA are not a debt of its member political subdivisions and neither the member political subdivisions nor the state are liable for the payment of the bonds.

8. Set fees and charges for functions, facilities, and services provided by the RTA.

9. Adopt bylaws and rules to carry out the powers and purposes of the RTA.

10. Sue and be sued in its own name.

11. Employ agents, consultants, and employees, engage professional services, and purchase furniture, supplies, and materials reasonably necessary to perform its duties and exercise its powers.

12. Invest funds not required for immediate disbursement.

13. Do and perform any authorized acts by means of an agent or by contracts with any person.

14. Exercise any other powers that the board of directors considers necessary and convenient to effectuate the purposes of the RTA, including providing for passenger safety.

The board of directors of an RTA must annually prepare a budget for the RTA. Rates and other charges received by the RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not be transferred to any political subdivision. The RTA must maintain an accounting system in accordance with generally accepted accounting principles and must have its financial statements and debt covenants audited annually by an independent certified public accountant.

An RTA must provide, or contract for the provision of, transit service within the RTA's jurisdictional area. An RTA that acquires a transportation system for the purpose of operating the system must assume all of the employer's obligations under any contract between the employees and management of the system to the extent allowed by law. An RTA that acquires, constructs, or operates a transportation system must negotiate an agreement with the representative of the labor organization that covers the employees affected by the acquisition, construction, or operation to protect the interests of employees affected, and that agreement must include specified provisions. Employees of the RTA are participatory employees under the Wisconsin Retirement System (WRS) if the RTA elects to join the WRS.

A member political subdivision for which joinder into the SE RTA is optional may withdraw from this RTA if the governing body of the political subdivision adopts a resolution requesting withdrawal from the RTA and the political subdivision has paid, or made provision for the payment of, all obligations of the political subdivision to the RTA.

Current law provides limited immunity for cities, villages, towns, counties, and other political corporations and governmental subdivisions, and for officers, officials, agents, and employees of these entities, for acts done in an official capacity or in the course of employment. Claimants must generally follow a specified claims procedure and liability for damages is generally limited to $50,000 except that no liability may be imposed for performance of a discretionary duty or for punitive damages. If a person suffers damage resulting from the negligent operation of a motor vehicle owned and operated by a county, city, village, town, school district, sewer district, or other political subdivision of the state in the course of its business, the person may

file a claim for damages following this claims procedure and the amount of damages recoverable is limited to $250,000. This bill specifies that this provision related to claims and liability for negligent operation of a motor vehicle by a political subdivision applies to an RTA.

The bill also allows RTAs to participate in organizing municipal insurance mutuals to provide insurance and risk management services.

Under current law, the counties of Kenosha, Racine, and Milwaukee must create a Regional Transit Authority (KRM RTA). The KRM RTA is responsible for the coordination of transit and commuter rail programs within these counties but has no authority to manage or operate any transit system. The KRM RTA may receive funding by imposing a rental car transaction fee within these counties, but the fee may be used only to hire staff, conduct studies, and prepare a report to the legislature and the governor, due by November 15, 2008. The report must include certain information, including a recommendation as to whether the responsibilities of the KRM RTA should be limited to collection and distribution of regional transit funding or should also include operation of transit service and a recommendation on whether the KRM RTA should continue in existence after September 30, 2009.

This bill terminates the KRM RTA and modifies the rental car transaction fee so that it provides a funding source for the SE RTA.

For further information see the ***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:

SECTION 1. 20.566 (1) (gc) of the statutes is created to read:

20.566 **(1)** (gc) *Administration of transit authority taxes.* From the moneys received from the appropriation account under s. 20.835 (4) (gc), the amounts in the schedule for the purpose of administering the transit authority taxes imposed under s. 77.708. Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the unencumbered balance in this appropriation account shall be transferred to the appropriation account under s. 20.835 (4) (gc).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 20.835 (4) (gc) of the statutes is created to read:

20.835 **(4)** (gc) *Transit authority taxes.* All moneys received from the taxes imposed under s. 77.708, and from the appropriation account under s. 20.566 (1) (gc),

for the purpose of distribution to the transit authorities that adopt a resolution imposing taxes under subch. V of ch. 77, except that 1.5 percent of those tax revenues collected under subch. V of ch. 77 shall be credited to the appropriation account under s. 20.566 (1) (gc).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 20.835 (4) (gh) of the statutes is amended to read:

20.835 **(4)** (gh) *Regional transit authority fees.* All moneys received from the fees imposed under subch. XIII of ch. 77, and from the appropriation account under s. 20.566 (1) (gh), for distribution to the regional transit authority created under s. ~~59.58 (6)~~ 66.1039 (2) (a), except that 2.55% of the moneys received from the fees imposed under subch. XIII of ch. 77 shall be credited to the appropriation account under s. 20.566 (1) (gh).

SECTION 4. 32.02 (11) of the statutes is amended to read:

32.02 **(11)** Any housing authority created under ss. 66.1201 to 66.1211; redevelopment authority created under s. 66.1333; community development authority created under s. 66.1335; local cultural arts district created under subch. V of ch. 229, subject to s. 229.844 (4) (c); ~~or~~ local exposition district created under subch. II of ch. 229; or transit authority created under s. 66.1039.

SECTION 5. 32.05 (1) (a) of the statutes is amended to read:

32.05 **(1)** (a) Except as provided under par. (b), a county board of supervisors or a county highway committee when so authorized by the county board of supervisors, a city council, a village board, a town board, a sewerage commission governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65, the secretary of transportation, a commission created by contract under s. 66.0301,

a joint local water authority created by contract under s. 66.0823, a transit authority created under s. 66.1039, a housing authority under ss. 66.1201 to 66.1211, a local exposition district created under subch. II of ch. 229, a local cultural arts district created under subch. V of ch. 229, a redevelopment authority under s. 66.1333 or a community development authority under s. 66.1335 shall make an order providing for the laying out, relocation and improvement of the public highway, street, alley, storm and sanitary sewers, watercourses, water transmission and distribution facilities, mass transit facilities, airport, or other transportation facilities, gas or leachate extraction systems to remedy environmental pollution from a solid waste disposal facility, housing project, redevelopment project, cultural arts facilities, exposition center or exposition center facilities which shall be known as the relocation order. This order shall include a map or plat showing the old and new locations and the lands and interests required. A copy of the order shall, within 20 days after its issue, be filed with the county clerk of the county wherein the lands are located or, in lieu of filing a copy of the order, a plat may be filed or recorded in accordance with s. 84.095.

SECTION 6. 32.07 (2) of the statutes is amended to read:

32.07 **(2)** The petitioner shall determine necessity if application is by the state or any commission, department, board or other branch of state government or by a city, village, town, county, school district, board, commission, public officer, commission created by contract under s. 66.0301, joint local water authority under s. 66.0823, transit authority created under s. 66.1039, redevelopment authority created under s. 66.1333, local exposition district created under subch. II of ch. 229, local cultural arts district created under subch. V of ch. 229, housing authority created under ss. 66.1201 to 66.1211 or for the right-of-way of a railroad up to 100

feet in width, for a telegraph, telephone or other electric line, for the right-of-way for a gas pipeline, main or service or for easements for the construction of any elevated structure or subway for railroad purposes.

SECTION 7. 40.02 (28) of the statutes, as affected by 2007 Wisconsin Act 20, section 756, is amended to read:

40.02 **(28)** "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229, a transit authority created under s. 66.1039, and a long-term care district created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3) and subch. X. "Employer" does not include a local cultural arts district created under subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes.

SECTION 8. 40.02 (28) of the statutes, as affected by 2007 Wisconsin Act 20, section 757, and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

40.02 **(28)** "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229, a transit authority created under s. 66.1039, and a long-term care district created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local

cultural arts district created under subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes.

SECTION 9. 59.58 (6) (a) 1. of the statutes is amended to read:

59.58 **(6)** (a) 1. "Authority" means the regional transit authority created under this subsection.

SECTION 10. 59.58 (6) (cg) 1. of the statutes is renumbered 66.1039 (15) and amended to read:

66.1039 **(15)** ~~The~~ ADDITIONAL FUNDING FOR SOUTHEAST REGIONAL TRANSIT AUTHORITY. In addition to any other funding authorized under this section, an authority created under sub. (2) (a) may impose the fees under subch. XIII of ch. 77.

Insert 8-10

SECTION 11. 59.58 (6) (f) of the statutes is created to read:

59.58 **(6)** (f) The authority shall terminate on the first day of the 3rd month beginning after the effective date of this paragraph .... [LRB inserts date].

SECTION 12. 66.0301 (1) (a) of the statutes is amended to read:

66.0301 **(1)** (a) Except as provided in pars. (b) and (c), in this section "municipality" means the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, ~~a~~ local cultural arts district created under subch. V of ch. 229, transit authority created under s. 66.1039, long-term care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit

commission, commission created by contract under this section, taxation district, regional planning commission, or city-county health department.

SECTION 13. 66.1039 of the statutes is created to read:

66.1039 Transit authorities. (1) DEFINITIONS. In this section:

(a) "Authority" means a transit authority created under this section.

(b) "Bonds" means any bonds, interim certificates, notes, debentures, or other obligations of an authority issued under this section.

(c) "Common carrier" means any of the following:

1. A common motor carrier, as defined in s. 194.01 (1).

2. A contract motor carrier, as defined in s. 194.01 (2).

3. A railroad subject to ch. 195, as described in s. 195.02 (1) and (3).

4. A water carrier, as defined in s. 195.02 (5).

(d) "Comprehensive unified local transportation system" means a transportation system that is comprised of motor bus lines and any other local public transportation facilities, the major portion of which is located within, or the major portion of the service of which is supplied to the inhabitants of, the jurisdictional area of the authority.

(e) "Madison metropolitan planning area" means the metropolitan planning area, as defined in 23 USC 134 (b) (1), that includes the city of Madison.

(f) "Municipality" means any city, village, or town.

(g) "Participating political subdivision" means a political subdivision that is a member of an authority, either from the time of creation of the authority or by later joining the authority.

(h) "Political subdivision" means a municipality or county.

(i) "Transportation system" means all land, shops, structures, equipment, property, franchises, and rights of whatever nature required for transportation of passengers within the jurisdictional area of the authority and, only to the extent specifically authorized under this section, outside the jurisdictional area of the authority. "Transportation system" includes elevated railroads, subways, underground railroads, motor vehicles, motor buses, and any combination thereof, and any other form of mass transportation, but does not include transportation excluded from the definition of "common motor carrier" under s. 194.01 (1) or charter or contract operations to, from, or between points that are outside the jurisdictional area of the authority.

(j) "Urbanized Fox Cities metropolitan planning area" means the urbanized area, as defined in 23 USC 134 (b) (6), of the metropolitan planning area, as defined in 23 USC 134 (b) (1), that includes the city of Appleton.

(2) CREATION OF TRANSIT AUTHORITIES. (a) *Southeast regional transit authority.* 1. There is created a public body corporate and politic, which shall be a separate governmental entity and shall be known as the "southeast regional transit authority," consisting of the counties of Kenosha, Milwaukee, and Racine and any municipality located in whole or in part within Kenosha County, Milwaukee County, or that portion of Racine County east of I 94. This authority may transact business and exercise any powers granted to it under this section.

2. Any of the counties of Waukesha, Ozaukee, and Washington may join the authority created under subd. 1. if the governing body of the county adopts a resolution to join the authority.

3. Any municipality located in whole or in part within Waukesha County, Ozaukee County, or Washington County may join the authority created under subd.

1. if the governing body of the municipality adopts a resolution to join the authority, any county in which the municipality is located has joined the authority, and the board of directors of the authority approves the municipality's joinder.

4. The jurisdictional area of the authority created under this paragraph is the geographic area formed by the combined territorial boundaries of Milwaukee County, Kenosha County, that portion of Racine County located east of I 94, and any county that joins the authority under subd. 2.

(b) *Dane County regional transit authority.* 1. There is created a public body corporate and politic, which shall be a separate governmental entity and shall be known as the "Dane County regional transit authority," consisting of the county of Dane and any municipality located in whole or in part within the Madison metropolitan planning area. This authority may transact business and exercise any powers granted to it under this section.

2. Any municipality located in whole or in part within Dane County that is not located in whole or in part within the Madison metropolitan planning area may join the authority created under subd. 1. if the governing body of the municipality adopts a resolution to join the authority and the board of directors of the authority approves the municipality's joinder.

3. The jurisdictional area of the authority created under this paragraph is the geographic area formed by the Madison metropolitan planning area combined with the territorial boundaries of all municipalities that join the authority under subd. 2.

(c) *Fox Cities regional transit authority.* 1. There is created a public body corporate and politic, which shall be a separate governmental entity and shall be known as the "Fox Cities regional transit authority," consisting of the counties of Outagamie, Calumet, and Winnebago and any municipality located in whole or in

part within the urbanized Fox Cities metropolitan planning area. This authority may transact business and exercise any powers granted to it under this section.

2. Any municipality located in whole or in part within Outagamie County, Calumet County, or Winnebago County that is not located in whole or in part within the urbanized Fox Cities metropolitan planning area may join the authority created under subd. 1. if the governing body of the municipality adopts a resolution to join the authority and the board of directors of the authority approves the municipality's joinder.

3. The jurisdictional area of the authority created under this paragraph is the geographic area formed by the urbanized Fox Cities metropolitan planning area combined with the territorial boundaries of all municipalities that join the authority under subd. 2.

(3) TRANSIT AUTHORITY GOVERNANCE. (a) The powers of an authority shall be vested in its board of directors. Directors shall be appointed for 4-year terms. A majority of the board of directors' full authorized membership constitutes a quorum for the purpose of conducting the authority's business and exercising its powers. Action may be taken by the board of directors upon a vote of a majority of the directors present and voting, unless the bylaws of the authority require a larger number.

(b) The board of directors of the authority created under sub. (2) (a) consists of the following members:

1. Two members, one from Kenosha County and one from Milwaukee County, appointed by the county executive of each county and approved by the county board.

2. Three members, one each from the cities of Kenosha, Milwaukee, and Racine, appointed by the mayor of each such city and approved by the common council.

3. Two members, one each from Milwaukee County and the jurisdictional area of the authority, by the governor appointed.

4. One member from each county that joins the authority under sub. (2) (a) 2., appointed by the county executive of the county and approved by the county board except that, if the county does not have an elected county executive, the member shall be appointed by the county board chairperson and approved by the county board.

5. One member from each city with a population of more than 60,000 located in a county that has joined the authority under sub. (2) (a) 2., appointed by the mayor of each such city and approved by the common council.

(c) The board of directors of the authority created under sub. (2) (b) consists of the following members:

1. Two members from the Madison metropolitan planning area, appointed by the county executive and approved by the county board.

2. Two members appointed by the mayor of the city of Madison and approved by the common council.

3. One member appointed by the governor.

4. One member from each city with a population of more than 20,000 located in Dane County, appointed by the mayor of each such city and approved by the common council.

(d) The board of directors of the authority created under sub. (2) (c) consists of the following members:

1. Three members, one each from the counties of Outagamie, Calumet, and Winnebago, appointed by the county executive of each county and approved by the county board except that, if the county does not have an elected county executive, the

member shall be appointed by the county board chairperson and approved by the county board.

2. Two members, one each from the cities of Appleton and Neenah, appointed by the mayor of each such city and approved by the common council.

3. One member from the town of Grand Chute, appointed by the town board chairperson and approved by the town board.

4. One member appointed by the governor.

5. One member appointed as provided in par. (e).

6. One member appointed as provided in par. (f).

(e) 1. Board membership under par. (d) 5. shall follow a rotating order of succession, commencing as specified in subds. 2. and 3. and, after June 30, 2017, repeating in the same order and by the same selection process.

2. For the term commencing on the effective date of this subdivision and expiring on June 30, 2013, the member specified in par. (d) 5. shall be from the town of Menasha and shall be appointed by the town board chairperson and approved by the town board.

3. For the term commencing on July 1, 2013 and expiring on June 30, 2017, the member specified in par. (d) 5. shall be from the city of Menasha and shall be appointed by the mayor of the city and approved by the common council.

(f) 1. Board membership under par. (d) 6. shall follow a rotating order of succession, commencing as specified in subds. 2. to 5. and, after June 30, 2025, repeating in the same order and by the same selection process.

2. For the term commencing on the effective date of this subdivision and expiring on June 30, 2013, the member specified in par. (d) 6. shall be from the city

of Kaukauna and shall be appointed by the mayor of the city and approved by the common council.

3. For the term commencing on July 1, 2013 and expiring on June 30, 2017, the member specified in par. (d) 6. shall be from the village of Kimberly and shall be appointed by the village president and approved by the village board.

4. For the term commencing on July 1, 2017 and expiring on June 30, 2021, the member specified in par. (d) 6. shall be from the village of Little Chute and shall be appointed by the village president and approved by the village board.

5. For the term commencing on July 1, 2021 and expiring on June 30, 2025, the member specified in par. (d) 6. shall be from the town of Buchanan and shall be appointed by the town board chairperson and approved by the town board.

(g) The bylaws of an authority shall govern its management, operations, and administration, consistent with the provisions of this section, and shall include provisions specifying all of the following:

1. The functions or services to be provided by the authority.

2. The powers, duties, and limitations of the authority.

3. The maximum rate of the taxes that may be imposed by the authority under sub. (4) (s), not to exceed the maximum rate specified in s. 77.708 (1).

(4) POWERS. Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch. 59 or 85, an authority may do all of the following, to the extent authorized in the authority's bylaws:

(a) Establish, maintain, and operate a comprehensive unified local transportation system primarily for the transportation of persons.

(b) Acquire a comprehensive unified local transportation system and provide funds for the operation and maintenance of the system. Upon the acquisition of a comprehensive unified local transportation system, the authority may:

1. Operate and maintain it or lease it to an operator or contract for its use by an operator.

2. Contract for superintendence of the system with an organization that has personnel with the requisite experience and skill.

3. Delegate responsibility for the operation and maintenance of the system to an appropriate administrative officer, board, or commission of a participating political subdivision.

4. Maintain and improve railroad rights-of-way and improvements on these rights-of-way for future use.

(c) Contract with a public or private organization to provide transportation services in lieu of directly providing these services.

(d) Purchase and lease transportation facilities to public or private transit companies that operate within and outside the jurisdictional area.

(e) Apply for federal aids to purchase transportation facilities considered essential for the authority's operation.

(f) Coordinate specialized transportation services, as defined in s. 85.21 (2) (g), for residents who reside within the jurisdictional area and who are disabled or aged 60 or older, including services funded under 42 USC 3001 to 3057n, 42 USC 5001, and 42 USC 5011 (b), under ss. 49.43 to 49.499 and 85.21, and under other public funds administered by the county. An authority may contract with a county that is a participating political subdivision for the authority to provide specialized transportation services, but an authority is not an eligible applicant under s. 85.21

(2) (e) and may not receive payments directly from the department of transportation under s. 85.21.

(g) Acquire, own, hold, use, lease as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property or service.

(h) Acquire property by condemnation using the procedure under s. 32.05 for the purposes set forth in this section.

(i) Enter upon any state, county, or municipal street, road, or alley, or any public highway for the purpose of installing, maintaining, and operating the authority's facilities. Whenever the work is to be done in a state, county, or municipal highway, street, road, or alley, the public authority having control thereof shall be duly notified, and the highway, street, road, or alley shall be restored to as good a condition as existed before the commencement of the work with all costs incident to the work to be borne by the authority.

(j) Fix, maintain, and revise fees, rates, rents, and charges for functions, facilities, and services provided by the authority.

(k) Make, and from time to time amend and repeal, bylaws, rules, and regulations to carry into effect the powers and purposes of the authority.

(L) Sue and be sued in its own name.

(m) Have and use a corporate seal.

(n) Employ agents, consultants, and employees, engage professional services, and purchase such furniture, stationery, and other supplies and materials as are reasonably necessary to perform its duties and exercise its powers.

(o) Incur debts, liabilities, or obligations including the borrowing of money and the issuance of bonds under subs. (7) and (10).

(p) Invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities, and other investments as the authority deems proper in accordance with s. 66.0603 (1m).

(q) Do and perform any acts and things authorized by this section under, through, or by means of an agent or by contracts with any person.

(r) Exercise any other powers that the board of directors considers necessary and convenient to effectuate the purposes of the authority, including providing for passenger safety.

(s) Impose, by the adoption of a resolution by the board of directors, the taxes under subch. V of ch. 77 in the authority's jurisdictional area. If an authority adopts a resolution to impose the taxes, it shall deliver a certified copy of the resolution to the department of revenue at least 120 days before its effective date. The authority may, by adoption of a resolution by the board of directors, repeal the imposition of taxes under subch. V of ch. 77 and shall deliver a certified copy of the repeal resolution to the department of revenue at least 120 days before its effective date.

(5) LIMITATIONS ON AUTHORITY POWERS. (a) Notwithstanding sub. (4) (a), (b), (c), (d), (q), and (r), no authority, and no public or private organization with which an authority has contracted for service, may provide service outside the jurisdictional area of the authority unless the authority receives financial support for the service under a contract with a public or other private organization for the service or unless it is necessary in order to provide service to connect residents within the authority's jurisdictional area to transit systems in adjacent counties.

(b) Whenever the proposed operations of an authority would be competitive with the operations of a common carrier in existence prior to the time the authority

commences operations, the authority shall coordinate proposed operations with the common carrier to eliminate adverse financial impact for the carrier. This coordination may include route overlapping, transfers, transfer points, schedule coordination, joint use of facilities, lease of route service, and acquisition of route and corollary equipment. If this coordination does not result in mutual agreement, the proposals of the authority and the common carrier shall be submitted to the department of transportation for arbitration.

(c) In exercising its powers under sub. (4), an authority shall consider any plan of a metropolitan planning organization under 23 USC 134 that covers any portion of the authority's jurisdictional area.

(6) AUTHORITY OBLIGATIONS TO EMPLOYEES OF MASS TRANSPORTATION SYSTEMS. (a) An authority acquiring a comprehensive unified local transportation system for the purpose of the authority's operation of the system shall assume all of the employer's obligations under any contract between the employees and management of the system to the extent allowed by law.

(b) An authority acquiring, constructing, controlling, or operating a comprehensive unified local transportation system shall negotiate an agreement with the representative of the labor organization that covers the employees affected by the acquisition, construction, control, or operation to protect the interests of employees affected. This agreement shall include all of the provisions identified in s. 59.58 (4) (b) 1. to 8. and may include provisions identified in s. 59.58 (4) (c). An affected employee has all the rights and the same status under subch. IV of ch. 111 that he or she enjoyed immediately before the acquisition, construction, control, or operation and may not be required to serve a probationary period if he or she attained permanent status before the acquisition, construction, control, or operation.

(c) In all negotiations under this subsection, a senior executive officer of the authority shall be a member of the authority's negotiating body.

(7) BONDS; GENERALLY. (a) An authority may issue bonds, the principal and interest on which are payable exclusively from all or a portion of any revenues received by the authority. The authority may secure its bonds by a pledge of any income or revenues from any operations, rent, aids, grants, subsidies, contributions, or other source of moneys whatsoever.

(b) An authority may issue bonds in such principal amounts as the authority deems necessary.

(c) 1. Neither the members of the board of directors of an authority nor any person executing the bonds is personally liable on the bonds by reason of the issuance of the bonds.

2. The bonds of an authority are not a debt of the participating political subdivisions. Neither the participating political subdivisions nor the state are liable for the payment of the bonds. The bonds of any authority shall be payable only out of funds or properties of the authority. The bonds of the authority shall state the restrictions contained in this paragraph on the face of the bonds.

(8) ISSUANCE OF BONDS. (a) Bonds of an authority shall be authorized by resolution of the board of directors. The bonds may be issued under such a resolution or under a trust indenture or other security instrument. The bonds may be issued in one or more series and may be in the form of coupon bonds or registered bonds under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest at the rates, be in the denominations, have the rank or priority, be executed in the manner, be payable in the medium of payment and at the places, and be subject to the terms of redemption, with or without premium, as the resolution, trust

indenture, or other security instrument provides. Bonds of an authority are issued for an essential public and governmental purpose and are public instrumentalities and, together with interest and income, are exempt from taxes.

(b) The authority may sell the bonds at public or private sales at the price or prices determined by the authority.

(c) If an officer whose signatures appear on any bonds or coupons ceases to be an officer of the authority before the delivery of the bonds or coupons, the officer's signature shall, nevertheless, be valid for all purposes as if the officer had remained in office until delivery of the bonds or coupons.

(9) COVENANTS. An authority may do all of the following in connection with the issuance of bonds:

(a) Covenant as to the use of any or all of its property, real or personal.

(b) Redeem the bonds, or covenant for the redemption of the bonds, and provide the terms and conditions of the redemption.

(c) Covenant as to charge fees, rates, rents, and charges sufficient to meet operating and maintenance expenses, renewals, and replacements of any transportation system, principal and debt service on bonds creation and maintenance of any reserves required by a bond resolution, trust indenture, or other security instrument and to provide for any margins or coverages over and above debt service on the bonds that the board of directors considers desirable for the marketability of the bonds.

(d) Covenant as to the events of default on the bonds and the terms and conditions upon which the bonds shall become or may be declared due before maturity, as to the terms and conditions upon which this declaration and its

consequences may be waived, and as to the consequences of default and the remedies of bondholders.

(e) Covenant as to the mortgage or pledge of, or the grant of a security interest in, any real or personal property and all or any part of the revenues of the authority to secure the payment of bonds, subject to any agreements with the bondholders.

(f) Covenant as to the custody, collection, securing, investment, and payment of any revenues, assets, moneys, funds, or property with respect to which the authority may have any rights or interest.

(g) Covenant as to the purposes to which the proceeds from the sale of any bonds may be applied, and as to the pledge of such proceeds to secure the payment of the bonds.

(h) Covenant as to limitations on the issuance of any additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds.

(i) Covenant as to the rank or priority of any bonds with respect to any lien or security.

(j) Covenant as to the procedure by which the terms of any contract with or for the benefit of the holders of bonds may be amended or abrogated, the amount of bonds, the holders of which must consent thereto, and the manner in which such consent may be given.

(k) Covenant as to the custody and safekeeping of any of its properties or investments, the insurance to be carried on the property or investments, and the use and disposition of insurance proceeds.

(L) Covenant as to the vesting in one or more trustees, within or outside the state, of those properties, rights, powers, and duties in trust as the authority determines.

(m) Covenant as to the appointing of, and providing for the duties and obligations of, one or more paying agent or other fiduciaries within or outside the state.

(n) Make all other covenants and do any act that may be necessary or convenient or desirable in order to secure its bonds or, in the absolute discretion of the authority, tend to make the bonds more marketable.

(o) Execute all instruments necessary or convenient in the exercise of the powers granted under this section or in the performance of covenants or duties, which may contain such covenants and provisions as a purchaser of the bonds of the authority may reasonably require.

(10) REFUNDING BONDS. An authority may issue refunding bonds for the purpose of paying any of its bonds at or prior to maturity or upon acceleration or redemption. An authority may issue refunding bonds at such time prior to the maturity or redemption of the refunded bonds as the authority deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium on the bonds, any interest accrued or to accrue to the date of payment of the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by the resolution, trust indenture, or other security instruments. To the extent applicable, refunding bonds are subject to subs. (8) and (9).

(11) BONDS ELIGIBLE FOR INVESTMENT. (a) Any of the following may invest funds, including capital in their control or belonging to them, in bonds of the authority:

1. Public officers and agencies of the state.

2. Local governmental units, as defined in s. 19.42 (7u).

3. Insurance companies.

4. Trust companies.

5. Banks.

6. Savings banks.

7. Savings and loan associations.

8. Investment companies.

9. Personal representatives.

10. Trustees.

11. Other fiduciaries not listed in this paragraph.

(b) The authority's bonds are securities that may be deposited with and received by any officer or agency of the state or any local governmental unit, as defined in s. 19.42 (7u), for any purpose for which the deposit of bonds or obligations of the state or any local governmental unit is authorized by law.

(12) BUDGETS; RATES AND CHARGES; AUDIT. The board of directors of an authority shall annually prepare a budget for the authority. Rates and other charges received by the authority shall be used only for the general expenses and capital expenditures of the authority, to pay interest, amortization, and retirement charges on bonds, and for specific purposes of the authority and may not be transferred to any political subdivision. The authority shall maintain an accounting system in accordance with generally accepted accounting principles and shall have its financial statements and debt covenants audited annually by an independent certified public accountant.

(13) WITHDRAWAL FROM AUTHORITY. A participating political subdivision that joined an authority under sub. (2) (a) 2. or 3., (b) 2., or (c) 2. may withdraw from an authority if all of the following conditions are met:

(a) The governing body of the political subdivision adopts a resolution requesting withdrawal of the political subdivision from the authority.

(b) The political subdivision has paid, or made provision for the payment of, all obligations of the political subdivision to the authority.

(14) DUTY TO PROVIDE TRANSIT SERVICE. An authority shall provide, or contract for the provision of, transit service within the authority's jurisdictional area.

(16) OTHER STATUTES. This section does not limit the powers of political subdivisions to enter into intergovernmental cooperation or contracts or to establish separate legal entities under s. 66.0301 or 66.1021 or any other applicable law, or otherwise to carry out their powers under applicable statutory provisions. Section 66.0803 (2) does not apply to an authority.

SECTION 14. 67.01 (5) of the statutes is amended to read:

67.01 **(5)** "Municipality" means any of the following which is authorized to levy a tax: a county, city, village, town, school district, board of park commissioners, technical college district, metropolitan sewerage district created under ss. 200.01 to 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, transit authority created under s. 66.1039, public inland lake protection and rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other public body empowered to borrow money and issue obligations to repay the money out of public funds or revenues. "Municipality" does not include the state.

SECTION 15. 70.11 (2) of the statutes is amended to read:

70.11 **(2)** MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION. Property owned by any county, city, village, town, school district, technical college district, public inland lake protection and rehabilitation district, metropolitan sewerage district, municipal water district created under s. 198.22, joint local water authority created under s. 66.0823, transit authority created under s. 66.1039, long-term care district under s. 46.2895 or town sanitary district; lands belonging to cities of any other state used for public parks; land tax-deeded to any county or city before January 2; but any residence located upon property owned by the county for park purposes that is rented out by the county for a nonpark purpose shall not be exempt from taxation. Except as to land acquired under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after August 17, 1961, to any such governmental unit or for its benefit while the grantor or others for his or her benefit are permitted to occupy the land or part thereof in consideration for the conveyance. Leasing the property exempt under this subsection, regardless of the lessee and the use of the leasehold income, does not render that property taxable.

SECTION 16. 71.26 (1) (b) of the statutes is amended to read:

71.26 **(1)** (b) *Political units.* Income received by the United States, the state and all counties, cities, villages, towns, school districts, technical college districts, joint local water authorities created under s. 66.0823, transit authorities created under s. 66.1039, long-term care districts under s. 46.2895 or other political units of this state.

****NOTE: This draft reconciles ch. 77 (title) by deleting this provision in this draft and adding it to LRB-0779.

SECTION 17. 77.54 (9a) (er) of the statutes is created to read:

77.54 **(9a)** (er) Any transit authority created under s. 66.1039.

SECTION 18. Subchapter V (title) of chapter 77 [precedes 77.70] of the statutes is amended to read:

CHAPTER 77

SUBCHAPTER V

COUNTY, TRANSIT

AUTHORITY, AND SPECIAL DISTRICT

SALES AND USE TAXES

SECTION 19. 77.708 of the statutes is created to read:

77.708 Adoption by resolution; transit authority. (1) A transit authority created under s. 66.1039, by resolution under s. 66.1039 (4) (s), may impose a sales tax and a use tax under this subchapter at a rate not to exceed 0.5 percent of the gross receipts or sales price. Those taxes may be imposed only in their entirety. The resolution shall be effective on the first day of the first calendar quarter that begins at least 120 days after the adoption of the resolution.

(2) Retailers and the department of revenue may not collect a tax under sub. (1) for any transit authority created under s. 66.1039 after the calendar quarter during which the transit authority adopts a repeal resolution under s. 66.1039 (4) (s), except that the department of revenue may collect from retailers taxes that accrued before such calendar quarter and fees, interest, and penalties that relate to those taxes.

SECTION 20. 77.71 (intro.) of the statutes is amended to read:

77.71 Imposition of county, transit authority, and special district sales and use taxes. (intro.) Whenever a county sales and use tax ordinance is adopted under s. 77.70, a transit authority resolution is adopted under s. 77.708, or a special

district resolution is adopted under s. 77.705 or 77.706, the following taxes are imposed:

SECTION 21. 77.71 (1) of the statutes is amended to read:

77.71 **(1)** For the privilege of selling, leasing, or renting tangible personal property and for the privilege of selling, performing, or furnishing services a sales tax is imposed upon retailers at the rate of 0.5% in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the gross receipts from the sale, lease, or rental of tangible personal property, except property taxed under sub. (4), sold, leased, or rented at retail in the county ~~or~~, special district, or transit authority's jurisdictional area, or from selling, performing, or furnishing services described under s. 77.52 (2) in the county ~~or~~, special district, or transit authority's jurisdictional area.

SECTION 22. 77.71 (2) of the statutes is amended to read:

77.71 **(2)** An excise tax is imposed at the rate of 0.5% in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price upon every person storing, using, or otherwise consuming in the county ~~or~~, special district, or transit authority's jurisdictional area tangible personal property or services if the property or service is subject to the state use tax under s. 77.53, except that a receipt indicating that the tax under sub. (1), (3), or (4) has been paid relieves the buyer of liability for the tax under this subsection and except that if the buyer has paid a similar local tax in another state on a purchase of the same property or services that tax shall be credited against the tax under this subsection and except that for motor vehicles that are used for a purpose in addition to retention, demonstration, or

display while held for sale in the regular course of business by a dealer the tax under this subsection is imposed not on the sales price but on the amount under s. 77.53 (1m).

SECTION 23. 77.71 (3) of the statutes is amended to read:

77.71 **(3)** An excise tax is imposed upon a contractor engaged in construction activities within the county ~~or~~, special district, or transit authority's jurisdictional area, at the rate of 0.5% in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price of tangible personal property that is used in constructing, altering, repairing, or improving real property and that becomes a component part of real property in that county or special district or in the transit authority's jurisdictional area, except that if the contractor has paid the sales tax of a county ~~in the case of a county tax~~, transit authority, or ~~of a~~ special district ~~in the case of a special district tax~~ in this state on that property, or has paid a similar local sales tax in another state on a purchase of the same property, that tax shall be credited against the tax under this subsection.

SECTION 24. 77.71 (4) of the statutes is amended to read:

77.71 **(4)** An excise tax is imposed at the rate of 0.5 percent in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price upon every person storing, using or otherwise consuming a motor vehicle, boat, snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle or aircraft, if that property must be registered or titled with this state and if that property is to be customarily kept in a county that has in effect an ordinance under s. 77.70, the jurisdictional area of a transit authority that has in

effect a resolution under s. 77.708, or in a special district that has in effect a resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local sales tax in another state on a purchase of the same property that tax shall be credited against the tax under this subsection.

SECTION 25. 77.73 (1) and (2) of the statutes are amended to read:

77.73 **(1)** Retailers making deliveries in their company-operated vehicles of tangible personal property, or of property on which taxable services were performed, to purchasers in a county ~~or~~, special district, or transit authority's jurisdictional area are doing business in that county ~~or~~, special district, or jurisdictional area, and that county ~~or~~, special district, or transit authority has jurisdiction to impose the taxes under this subchapter on them.

(2) Counties ~~and~~, special districts, and transit authorities do not have jurisdiction to impose the tax under s. 77.71 (2) in regard to tangible personal property purchased in a sale that is consummated in another county or special district in this state, or in another transit authority's jurisdictional area, that does not have in effect an ordinance or resolution imposing the taxes under this subchapter and later brought by the buyer into the county ~~or~~, special district, or jurisdictional area of the transit authority that has imposed a tax under s. 77.71 (2).

SECTION 26. 77.75 of the statutes is amended to read:

77.75 Reports. Every person subject to county, transit authority, or special district sales and use taxes shall, for each reporting period, record that person's sales made in the county ~~or~~, special district, or jurisdictional area of a transit authority that has imposed those taxes separately from sales made elsewhere in this state and file a report of the measure of the county, transit authority, or special district sales and use taxes and the tax due thereon separately.

SECTION 27. 77.76 (1) of the statutes is amended to read:

77.76 **(1)** The department of revenue shall have full power to levy, enforce, and collect county, transit authority, and special district sales and use taxes and may take any action, conduct any proceeding, impose interest and penalties, and in all respects proceed as it is authorized to proceed for the taxes imposed by subch. III. The department of transportation and the department of natural resources may administer the county, transit authority, and special district sales and use taxes in regard to items under s. 77.61 (1).

SECTION 28. 77.76 (2) of the statutes is amended to read:

77.76 **(2)** Judicial and administrative review of departmental determinations shall be as provided in subch. III for state sales and use taxes, and no county, transit authority, or special district may intervene in any matter related to the levy, enforcement, and collection of the taxes under this subchapter.

SECTION 29. 77.76 (3r) of the statutes is created to read:

77.76 **(3r)** From the appropriation under s. 20.835 (4) (gc) the department of revenue shall distribute 98.5 percent of the taxes reported for each transit authority that has imposed taxes under this subchapter, minus the transit authority portion of the retailers' discount, to the transit authority no later than the end of the 3rd month following the end of the calendar quarter in which such amounts were reported. At the time of distribution the department of revenue shall indicate the taxes reported by each taxpayer. In this subsection, the "transit authority portion of the retailers' discount" is the amount determined by multiplying the total retailers' discount by a fraction the numerator of which is the gross transit authority sales and use taxes payable and the denominator of which is the sum of the gross state and transit authority sales and use taxes payable. The transit authority taxes

distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments, and all other adjustments of the transit authority taxes previously distributed. Interest paid on refunds of transit authority sales and use taxes shall be paid from the appropriation under s. 20.835 (4) (gc) at the rate paid by this state under s. 77.60 (1) (a). Any transit authority receiving a report under this subsection is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

SECTION 30. 77.76 (4) of the statutes is amended to read:

77.76 **(4)** There shall be retained by the state 1.5% of the taxes collected for taxes imposed by special districts under ss. 77.705 and 77.706 and transit authorities under s. 77.708 and 1.75% of the taxes collected for taxes imposed by counties under s. 77.70 to cover costs incurred by the state in administering, enforcing, and collecting the tax. All interest and penalties collected shall be deposited and retained by this state in the general fund.

SECTION 31. 77.76 (5) of the statutes is created to read:

77.76 **(5)** If a retailer receives notice from the department of revenue that the retailer is required to collect and remit the taxes imposed under s. 77.708, but the retailer believes that the retailer is not required to collect such taxes because the retailer is not doing business within the transit authority's jurisdictional area, the retailer shall notify the department of revenue no later than 30 days after receiving notice from the department. The department of revenue shall affirm or revise its original determination no later than 30 days after receiving the retailer's notice.

SECTION 32. 77.77 (1) to (3) of the statutes are amended to read:

77.77 **(1)** The gross receipts from services subject to the tax under s. 77.52 (2) are not subject to the taxes under this subchapter, and the incremental amount of

tax caused by a rate increase applicable to those services is not due, if those services are billed to the customer and paid for before the effective date of the county ordinance, special district resolution, transit authority resolution, or rate increase, whether the service is furnished to the customer before or after that date.

(2) Lease or rental receipts from tangible personal property that the lessor is obligated to furnish at a fixed price under a contract entered into before the effective date of a county ordinance, transit authority resolution, or special district resolution are subject to the taxes under this subchapter on the effective date of the ordinance or resolution, as provided for the state sales tax under s. 77.54 (18).

(3) The sale of building materials to contractors engaged in the business of constructing, altering, repairing or improving real estate for others is not subject to the taxes under this subchapter, and the incremental amount of tax caused by the rate increase applicable to those materials is not due, if the materials are affixed and made a structural part of real estate, and the amount payable to the contractor is fixed without regard to the costs incurred in performing a written contract that was irrevocably entered into prior to the effective date of the county ordinance, special district resolution, transit authority resolution, or rate increase or that resulted from the acceptance of a formal written bid accompanied by a bond or other performance guaranty that was irrevocably submitted before that date.

SECTION 33. 77.78 of the statutes is amended to read:

77.78 Registration. No motor vehicle, boat, snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle or aircraft that is required to be registered by this state may be registered or titled by this state unless the registrant files a sales and use tax report and pays the county tax, transit authority tax, and special district tax at the time of registering or titling to the state

agency that registers or titles the property. That state agency shall transmit those tax revenues to the department of revenue.

SECTION 34. 77.9971 of the statutes is amended to read:

77.9971 Imposition. A regional transit authority created under s. ~~59.58 (6)~~ 66.1039 (2) (a) may impose a fee at a rate not to exceed $2 for each transaction in the ~~region, as defined in s. 59.58 (6) (a) 2.,~~ authority's jurisdictional area, as described in s. 66.1039 (2) (a) 4., on the rental, but not for rerental and not for rental as a service or repair replacement vehicle, of Type 1 automobiles, as defined in s. 340.01 (4) (a), by establishments primarily engaged in short-term rental of passenger cars without drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), or (9a). The fee imposed under this subchapter shall be effective on the first day of the first month that begins at least 90 days after the ~~governing body~~ board of directors of the regional transit authority approves the imposition of the fee and notifies the department of revenue. The ~~governing body~~ board of directors shall notify the department of a repeal of the fee imposed under this subchapter at least 60 days before the effective date of the repeal.

SECTION 35. 85.063 (3) (b) 1. of the statutes is amended to read:

85.063 **(3)** (b) 1. Upon completion of a planning study under sub. (2), or, to the satisfaction of the department, of a study under s. 85.022, a political subdivision in a county ~~which~~, or a transit authority created under s. 66.1039, that includes the urban area may apply to the department for a grant for property acquisition for an urban rail transit system.

SECTION 36. 85.064 (1) (b) of the statutes is amended to read:

85.064 **(1)** (b) "Political subdivision" means any city, village, town, county, transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.

66.0301, or ~~regional~~ transit authority ~~organized~~ created under s. ~~59.58 (6)~~ 66.1039 within this state.

SECTION 37. 85.064 (4) of the statutes is repealed.

SECTION 38. 345.05 (1) (a) of the statutes is renumbered 345.05 (1) (am).

SECTION 39. 345.05 (1) (ag) of the statutes is created to read:

345.05 **(1)** (ag) "Authority" means a transit authority created under s. 66.1039.

SECTION 40. 345.05 (2) of the statutes is amended to read:

345.05 **(2)** A person suffering any damage proximately resulting from the negligent operation of a motor vehicle owned and operated by a municipality or authority, which damage was occasioned by the operation of the motor vehicle in the course of its business, may file a claim for damages against the municipality or authority concerned and the governing body ~~thereof~~ of the municipality, or the board of directors of the authority, may allow, compromise, settle and pay the claim. In this subsection, a motor vehicle is deemed owned and operated by a municipality or authority if the vehicle is either being rented or leased, or is being purchased under a contract whereby the municipality or authority will acquire title.

SECTION 41. 611.11 (4) (a) of the statutes is amended to read:

611.11 **(4)** (a) In this subsection, "municipality" has the meaning given in s. 345.05 (1) (c), but also includes any transit authority created under s. 66.1039.

SECTION 9150. Nonstatutory provisions; Transportation.

(1) TRANSIT AUTHORITIES.

(a) *Initial terms of southeast regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the southeast regional transit authority under section 66.1039 (2) (a) and (3) (a) of the statutes, as

created by this act, the initial members of the board of directors shall be appointed for the following terms:

1. The members appointed under section 66.1039 (3) (b) 1. and 3. of the statutes, as created by this act, for terms expiring on June 30, 2011.

2. The members appointed under section 66.1039 (3) (b) 2. of the statutes, as created by this act, for terms expiring on June 30, 2013.

(b) *Initial terms of Dane County regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the Dane County transit authority under section 66.1039 (2) (b) and (3) (a) of the statutes, as created by this act, the initial members of the board of directors shall be appointed for the following terms:

1. The members appointed under section 66.1039 (3) (c) 1. and 4. of the statutes, as created by this act, for terms expiring on June 30, 2011.

2. The members appointed under section 66.1039 (3) (c) 2. and 3. of the statutes, as created by this act, for terms expiring on June 30, 2013.

(c) *Initial terms of Fox Cities regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the Fox Cities regional transit authority under section 66.1039 (2) (c) and (3) (a) of the statutes, as created by this act, the initial members of the board of directors shall be appointed for the following terms:

1. The members appointed under section 66.1039 (3) (d) 1. of the statutes, as created by this act, for terms expiring on June 30, 2011.

2. The members appointed under section 66.1039 (3) (d) 2. to 4. of the statutes, as created by this act, for terms expiring on June 30, 2013.

(d) *Required application of the southeast regional transit authority.* No later than one year after the effective date of this paragraph, the southeast regional transit authority created under section 66.1039 (2) (a) of the statutes, as created by this act, shall submit to the federal transit administration in the U.S. department of transportation an application to enter the preliminary engineering phase of the federal new starts grant program for the Kenosha–Racine–Milwaukee commuter rail link.

SECTION 9450. Effective dates; Transportation.

(1) TRANSIT AUTHORITIES.

(a) The repeal and recreation of section 40.02 (28) of the statutes takes effect on January 1, 2010.

(END)

INSERT 8-10:

SECTION 1. 59.58 (6) (cg) 2. of the statutes is amended to read:

59.58 **(6)** (cg) 2. The authority shall retain all revenues received under subd. 1., 2007 stats., except those expended as authorized under par. (cr), until the authority has submitted the report specified in par. (e) and action on the report is taken by the legislature.

History: 1995 a. 201 ss. 197, 231, 386, 388, 465, 466 to 474; 1997 a. 27, 35; 1999 a. 150 s. 672; 2005 a. 25; 2007 a. 20.

SECTION 2. 59.58 (6) (cg) 3. of the statutes is amended to read:

59.58 **(6)** (cg) 3. The authority may not use any revenues received under subd. 1., 2007 stats., for lobbying activities or to contract for lobbying services.

History: 1995 a. 201 ss. 197, 231, 386, 388, 465, 466 to 474; 1997 a. 27, 35; 1999 a. 150 s. 672; 2005 a. 25; 2007 a. 20.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB–1139/4dn
ARG:

Date

Both

ATTN: Tyler Byrnes

This draft makes a technical correction in amended s. 59.58 (6) (cg) 2. and 3. The draft continues to reconcile LRB–1139/1 and LRB–0779/P3. All of these drafts should continue to appear in the compiled bill.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1139/4dn
ARG:kjf:ph

February 9, 2009

ATTN: Tyler Byrnes

This draft makes a technical correction in amended s. 59.58 (6) (cg) 2. and 3. The draft continues to reconcile LRB-1139/1 and LRB-0779/P3. Both of these drafts should continue to appear in the compiled bill.

Aaron R. Gary
Legislative Attorney
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Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Tuesday, February 10, 2009 4:22 PM
To: Gary, Aaron
Subject: RE: RTA draft

If Kenosha County becomes part of the RTA, all the municipalities should be part of the RTA.

On your second point, that is correct. If the Racine county board votes to come into the RTA, then the entire county, even the parts east of I-94 that were not in before, now become part of the RTA.

Tyler

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, February 10, 2009 4:15 PM
To: Byrnes, Tyler - DOA
Subject: RE: RTA draft

Thank you. More clarification:

If Kenosha County votes to become part of the RTA, are all municipalities within Kenosha County automatically part of the RTA (or would these munis have to choose to vote into it)?

Also, if Racine County votes to become part of the RTA, I'm assuming you want the RTA to cover all of Racine County east of I 94, even if some municipalities in that region have voted down participation in the RTA, correct?

Thanks. Aaron

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From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Tuesday, February 10, 2009 3:46 PM
To: Gary, Aaron
Subject: RE: RTA draft

Yes, the could join in once the RTA is created. All other provisions for joining the newly created RTA should stand as well.

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, February 10, 2009 3:44 PM
To: Byrnes, Tyler - DOA
Subject: RE: RTA draft

I also assume, once created, Racine County itself could join in, correct?

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From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Tuesday, February 10, 2009 3:43 PM
To: Gary, Aaron
Subject: RE: RTA draft

You are correct. Any municipality in Racine County may create vote to become part of the district, leaving open the possibility of a SE transit authority consisting only of a municipality in Racine county.

One clarification, in Racine County, we're still only talking about municipalities east of I-94.

Thanks,

Tyler

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, February 10, 2009 3:35 PM
To: Byrnes, Tyler - DOA
Subject: RE: RTA draft

Tyler,
Please see my question in red below. I want to make sure I have this right. Thanks. Aaron

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From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Tuesday, February 10, 2009 11:25 AM
To: Gary, Aaron
Cc: Kraus, Jennifer - DOA; Grinde, Kirsten - DOA; Hanaman, Cathlene
Subject: RE: RTA draft

Aaron,

Here the instructions for changing the RTA Draft.

Let me know if you have questions or problems.

Thanks,

Tyler

Southeast Region –

Milwaukee County Board votes to create transit authority

Kenosha County Board votes to create transit authority

Racine City Council votes to create transit authority –

Other municipalities in Racine County may join, but will not be represented on the board.

If any of the local governments listed [ARG: this includes any municipality in Racine County, not just city of Racine, correct?] vote in the affirmative, the transit authority is created in their jurisdiction. For instance, if the city council in Racine is the only subdivision that votes to form the transit authority, the transit authority is created only in the City of Racine. If none of them vote for creation, there is no transit authority created.

Board Membership:
If all three principals – City of Racine, County of Milwaukee and County of Kenosha, the board is the same as in the current draft.

If fewer than three vote to create a transit authority, the board shall include two governor's appointments and the representation provided in the current draft for subdivisions that join. For example, if Milwaukee County and the City of Racine vote to create the transit authority, there will be 2 governor's appointments, one member appointed by Milwaukee County, one appointed by city of Milwaukee, and one appointed by the City of Racine for a total of 5 members.

If members join after the authority is first created, they receive representation outlined in the current draft, adding to whatever board exists.

Southeast Transit Authority has all powers currently drafted.

Dane County –

The Dane county board votes to create the transit authority. If they vote in the affirmative, it's created as currently drafted. If they vote in the negative, the authority is not created.

Fox Valley –

The Fox Valley transit authority section stays the same.

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, February 10, 2009 8:53 AM
To: Byrnes, Tyler - DOA
Cc: Kraus, Jennifer - DOA; Grinde, Kirsten - DOA; Hanaman, Cathlene - LEGIS
Subject: RE: RTA draft

I believe it unlikely that I can make these changes. I'll give you a call.

Aaron R. Gary

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From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Tuesday, February 10, 2009 8:48 AM
To: Gary, Aaron
Cc: Kraus, Jennifer - DOA; Grinde, Kirsten - DOA; Hanaman, Cathlene
Subject: RTA draft

Aaron,

The Governor's office would like to make the following changes.

1. Similar to our discussion yesterday, in the Southeast Region, the Milwaukee County Board and the Kenosha County Board vote to join the transit authority, as does any municipality east of I-94 in Racine County. The Authority is still created in statutes. The local governments do not have the power to stop its creation. They do have the power to decide whether to join or not.
2. In the Dane County region, the county board votes to join the transit authority.

Fox Valley will also have some provision for voting to enter the district, but I don't know what it is as of yet.

Thanks,

Tyler

Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Wednesday, February 11, 2009 9:14 AM
To: Gary, Aaron
Cc: Grinde, Kirsten - DOA
Subject: RE: RTA draft

Aaron,

My sense is we don't really need two tracks for board membership. The first scenario I outlined would be the sum total of all of the major entities joining the authority at once. The idea we're looking for is that the board membership would be additive, so as each new entity joined, they would get the representation we've laid out for them in the current draft. So if only Milwaukee County joined at first, they would be reprsented with the County Exec's appontment and the MKE mayor's appointment. But if in 2010, Racine joined, they would recieve representation on the board through the mayor's appointment, which would be added to the existing board.

Let me know if its still unclear.

Thanks,

Tyler

From: Gary, Aaron [Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, February 10, 2009 5:17 PM
To: Byrnes, Tyler - DOA
Cc: Grinde, Kirsten - DOA
Subject: RE: RTA draft

Tyler,

I think having "two tracks" of board membership is problematic here. If, for example, the city of Racine votes for the RTA in 2009 but Milwaukee County doesn't vote for the RTA until 2012, would the board suddenly dissolve and reformulate itself? (Same is true if one of the local govts. drops out.) We can certainly formulate board appointments depending on who is in or out of the RTA. For example, qualifying language can be added at p. 13, lines 3 to 8 (of the /4 draft) to take into account the contingency that those local govts. might or might not be part of the RTA (if the number of board members can fluctuate). But I think it problematic to have "two tracks" of board membership because the RTA may be formed by a single local govt. and it is impossible to know the timing of when other local govts might join in. Of course, you could say that, for example, Kenosha County gets the appointments at p. 13, lines 3 and 4 if it votes to initially create the RTA, but if it later joins in it only gets an appointment akin to that at p. 13, lines 9 to 12.

Aaron

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