

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0377/1dn  
ARG:cjs:md

March 31, 2010

ATTN: Carla McDonald

Please review the attached draft carefully to ensure that it is consistent with your intent.

The attached draft includes an “updated” version of AB–282 that incorporates Act 28 changes. The update was not an entirely mechanical exercise. As a general rule, I tried not to make any substantive changes from AB–282. However, given the intervening enactment of the Budget Bill (Act 28), substantive changes might be warranted. For example, I maintained the scope of AB–282 by limiting the treatment of s. 19.42 (7w) (e) to RTAs formed under AB–282, not RTAs authorized under current law. To avoid making substantive changes to AB–282, I also amended s. 66.1039 (1) (i) and created a number of “parallel” provisions in s. 66.1039 (4), but you might determine that such small statutory distinctions are unnecessary and the existing provisions in s. 66.1039 are suitable. Where differences between current law and AB–282 appeared to me to be truly minor, such as the definitions of “comprehensive unified local transportation system” versus “comprehensive unified local transit system” and “transportation system” versus “transit system,” and these differences could not readily coexist in this substitute amendment, I have tended to retain current law rather than make changes that go beyond the scope of AB–282. I note that I also made various other changes in this substitute amendment to reconcile the provisions of AB–282 with provisions authorizing certain RTAs under current law.

I note that, under current law, ss. 66.0903 (1) (d) and 111.70 (1) (j) apply to RTAs created under s. 66.1039. These provisions were not included in AB–282 but will apply to RTAs created under this substitute amendment unless I include a provision excluding them, which I have not done.

With regard to the specific drafting instructions:

1. The “carve out” for the statewide RTA provision in created s. 66.1039 (2g) includes the areas of the state for which a framework for RTA formation already exists under current law or is established in this draft. In other words, under this draft, if a political subdivision is eligible to create or join an RTA under s. 66.1039 (2) or lies within the IRTA area covered by s. 66.1041, it cannot create an RTA under s. 66.1039 (2g). Under AB–734, incorporated into this draft, a municipality anywhere in Outagamie County, Calumet County, or Winnebago County is eligible to join the Fox Cities RTA.

2. Under AB-723, incorporated into this draft, an IRTA is confined to one county. Therefore, the issue of using sales tax revenues outside the county in which the tax revenues are generated is not applicable to an IRTA the way it is applicable to SERTA. Created s. 66.1041 (2) (d), (e) 1., and (f) combine to have the effect that an IRTA in Milwaukee County would be Milwaukee County (the current transit system operator). Also regarding Milwaukee County, I have interpreted the instructions as not requiring any further action or event regarding the November 2008 referendum; that is, I have assumed that the county board vote you refer to is the vote for creation and not a vote to reaffirm or validate the 2008 referendum.

3. The "firewall" language is included in created s. 59.58 (7) (n) 8. The interaction between this language and created s. 59.58 (7) (n) 7. from AB-723 is complicated. I have prepared the draft so that, where conflict arises, the language in subd. 8. trumps that in subd. 7.

4. Regarding the follow up e-mail instructions, bill section 6 of AB-734 and created s. 66.1041 (6) (a) 2. c. of AB-723 are included in this draft and I believe they have the effect stated in your e-mail regarding property tax reduction.

At first glance, bill section 2 (from AB-723) seems to appropriate \$9 million for certain purposes in the draft. However, the effect of bill section 3 (also from AB-723) is that this money cannot be spent and will simply lapse back to the transportation fund. Accordingly, this draft provides no direct state funding during the 2009-11 fiscal biennium.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

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