



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 282**

April 1, 2010 – Offered by Representatives BARCA, BERNARD SCHABER, TURNER,
SINICKI and SHILLING.

1 **AN ACT** *to repeal* 59.58 (6); *to amend* 32.02 (11), 32.05 (1) (a), 32.07 (2), 40.02
2 (28), 59.58 (7) (a) 1., 59.58 (7) (b), 59.58 (7) (c) 1. (intro.), 59.58 (7) (d), 59.58 (7)
3 (e) 2., 59.58 (7) (f) 2., 59.58 (7) (f) 4., 59.58 (7) (g), 59.58 (7) (i), 66.0301 (1) (a),
4 66.0903 (1) (d), 66.1039 (1) (i), 66.1039 (2) (title), 66.1039 (3) (title), 66.1039 (3)
5 (g) 4., 66.1039 (4) (intro.), 66.1039 (4) (b) (intro.), 66.1039 (4) (e), 66.1039 (4) (f),
6 66.1039 (5) (a), 66.1039 (6) (a), 66.1039 (9) (g), 66.1039 (13) (intro.), 66.1039 (14),
7 70.11 (2), 71.26 (1) (b), 77.54 (9a) (er), 77.708 (1), 77.708 (2), 77.9971 (1), 85.063
8 (3) (b) 1., 85.064 (1) (b), 85.11 (1) (a), 85.20 (4m) (a) (intro.), 85.20 (4m) (a) 6. e.,
9 85.20 (4s), 111.70 (1) (j), 345.05 (1) (ag) and 611.11 (4) (a); and *to create* 19.42
10 (7w) (e), 20.395 (1) (hy), 59.58 (7) (a) 2m., 59.58 (7) (a) 4., 5. and 6., 59.58 (7) (c)
11 1. h. and i., 59.58 (7) (e) 3., 59.58 (7) (k), 59.58 (7) (L), 59.58 (7) (m), 59.58 (7) (n),
12 66.1039 (1) (j), 66.1039 (2) (d), 66.1039 (2g), 66.1039 (2r), 66.1039 (3) (e), 66.1039
13 (4) (bm), 66.1039 (4) (em), 66.1039 (4) (fm), 66.1039 (4) (s) 5., 66.1039 (4) (s) 6.,

1 66.1039 (4) (s) 7., 66.1039 (5) (d), 66.1039 (7) (d), 66.1039 (13m), 66.1039 (15),
 2 66.1041, 74.09 (3) (dn) and 85.20 (4m) (a) 6. f. of the statutes; **relating to:** the
 3 southeastern regional transit authority, the creation of regional transit
 4 authorities and interim regional transit authorities, requiring the exercise of
 5 rule-making authority, requiring a referendum, and making an appropriation.

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

6 **SECTION 1.** 19.42 (7w) (e) of the statutes is created to read:

7 19.42 (7w) (e) The members of the board of directors of a transit authority
 8 created under s. 66.1039 (2g).

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

	2009-10	2010-11
20.395 Transportation, department of		
(1) AIDS		
(hy) Tier A-4 transit operating aids,		
state funds	SEG A	-0- 9,000,000

16 **SECTION 3.** 20.395 (1) (hy) of the statutes is created to read:

17 20.395 (1) (hy) *Tier A-4 transit operating aids, state funds.* The amounts in the
 18 schedule for mass transit aids under s. 85.20 (4m) (a) 6. f. No moneys may be
 19 encumbered or expended from this appropriation prior to July 1, 2011.

20 **SECTION 4.** 32.02 (11) of the statutes, as affected by 2009 Wisconsin Act 28, is
 21 amended to read:

1 **32.02 (11)** Any housing authority created under ss. 66.1201 to 66.1211;
2 redevelopment authority created under s. 66.1333; community development
3 authority created under s. 66.1335; local cultural arts district created under subch.
4 V of ch. 229, subject to s. 229.844 (4) (c); local exposition district created under subch.
5 II of ch. 229; or transit authority created under s. 66.1039 or 66.1041 and the
6 southeastern regional transit authority under s. 59.58 (7) to the extent it is the
7 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041.

8 **SECTION 5.** 32.05 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
9 is amended to read:

10 **32.05 (1)** (a) Except as provided under par. (b), a county board of supervisors
11 or a county highway committee when so authorized by the county board of
12 supervisors, a city council, a village board, a town board, a sewerage commission
13 governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65,
14 the secretary of transportation, a commission created by contract under s. 66.0301,
15 a joint local water authority created by contract under s. 66.0823, a transit authority
16 created under s. 66.1039 or 66.1041 and the southeastern regional transit authority
17 under s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit
18 authority created under s. 66.1041, a housing authority under ss. 66.1201 to 66.1211,
19 a local exposition district created under subch. II of ch. 229, a local cultural arts
20 district created under subch. V of ch. 229, a redevelopment authority under s.
21 66.1333 or a community development authority under s. 66.1335 shall make an order
22 providing for the laying out, relocation and improvement of the public highway,
23 street, alley, storm and sanitary sewers, watercourses, water transmission and
24 distribution facilities, mass transit facilities, airport, or other transportation
25 facilities, gas or leachate extraction systems to remedy environmental pollution from

1 a solid waste disposal facility, housing project, redevelopment project, cultural arts
2 facilities, exposition center or exposition center facilities which shall be known as the
3 relocation order. This order shall include a map or plat showing the old and new
4 locations and the lands and interests required. A copy of the order shall, within 20
5 days after its issue, be filed with the county clerk of the county wherein the lands are
6 located or, in lieu of filing a copy of the order, a plat may be filed or recorded in
7 accordance with s. 84.095.

8 **SECTION 6.** 32.07 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is
9 amended to read:

10 32.07 (2) The petitioner shall determine necessity if application is by the state
11 or any commission, department, board or other branch of state government or by a
12 city, village, town, county, school district, board, commission, public officer,
13 commission created by contract under s. 66.0301, joint local water authority under
14 s. 66.0823, transit authority created under s. 66.1039 or 66.1041 and the
15 southeastern regional transit authority under s. 59.58 (7) to the extent it is the
16 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041,
17 redevelopment authority created under s. 66.1333, local exposition district created
18 under subch. II of ch. 229, local cultural arts district created under subch. V of ch.
19 229, housing authority created under ss. 66.1201 to 66.1211 or for the right-of-way
20 of a railroad up to 100 feet in width, for a telegraph, telephone or other electric line,
21 for the right-of-way for a gas pipeline, main or service or for easements for the
22 construction of any elevated structure or subway for railroad purposes.

23 **SECTION 7.** 40.02 (28) of the statutes, as affected by 2009 Wisconsin Act 28,
24 section 779, is amended to read:

1 40.02 **(28)** “Employer” means the state, including each state agency, any
2 county, city, village, town, school district, other governmental unit or
3 instrumentality of 2 or more units of government now existing or hereafter created
4 within the state, any federated public library system established under s. 43.19
5 whose territory lies within a single county with a population of 500,000 or more, a
6 local exposition district created under subch. II of ch. 229, a transit authority created
7 under s. 66.1039 or 66.1041 and the southeastern regional transit authority under
8 s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit
9 authority created under s. 66.1041, and a long-term care district created under s.
10 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). “Employer” does not
11 include a local cultural arts district created under subch. V of ch. 229. Each employer
12 shall be a separate legal jurisdiction for OASDHI purposes.

13 **SECTION 8.** 59.58 (6) of the statutes, as affected by 2009 Wisconsin Act 28, is
14 repealed.

15 **SECTION 9.** 59.58 (7) (a) 1. of the statutes, as created by 2009 Wisconsin Act 28,
16 is amended to read:

17 59.58 (7) (a) 1. “Authority” Except as used in subd. 2m., “authority” means the
18 southeastern regional transit authority created under this subsection.

19 **SECTION 10.** 59.58 (7) (a) 2m. of the statutes is created to read:

20 59.58 (7) (a) 2m. “Interim regional transit authority” means an authority
21 created under s. 66.1041.

22 **SECTION 11.** 59.58 (7) (a) 4., 5. and 6. of the statutes are created to read:

23 59.58 (7) (a) 4. “Participating political subdivision” means a political
24 subdivision that has adopted a resolution creating an interim regional transit
25 authority or joining an established interim regional transit authority.

1 5. “Political subdivision” has the meaning given in s. 66.1041 (1) (f).

2 6. “Southeast Wisconsin” has the meaning given in s. 66.1041 (1) (h).

3 **SECTION 12.** 59.58 (7) (b) of the statutes, as created by 2009 Wisconsin Act 28,
4 is amended to read:

5 59.58 (7) (b) There is created the southeastern regional transit authority, a
6 public body corporate and politic and a separate governmental entity, ~~consisting~~
7 that, except as provided in par. (n) 4., consists of the counties and cities of Kenosha,
8 Racine, and Milwaukee. This authority may transact business and exercise any
9 powers granted to it under this subsection. ~~The~~ Except as provided in par. (n) 3., the
10 jurisdictional area of this authority is the geographic area formed by the combined
11 territorial boundaries of the counties of Kenosha, Racine, and Milwaukee.

12 **SECTION 13.** 59.58 (7) (c) 1. (intro.) of the statutes, as created by 2009 Wisconsin
13 Act 28, is amended to read:

14 59.58 (7) (c) 1. (intro.) The powers of the authority shall be vested in its board
15 of directors, ~~consisting which, except as provided in par. (n) 5., shall consist of the~~
16 following members:

17 **SECTION 14.** 59.58 (7) (c) 1. h. and i. of the statutes are created to read:

18 59.58 (7) (c) 1. h. One member from any city with a population of more than
19 60,000, other than a city identified in subd. 1. b., 1. d., or 1. f., that is a participating
20 political subdivision in an interim regional transit authority, appointed by the mayor
21 of the city.

22 i. One member from any county, other than a county identified in subd. 1. a.,
23 1. c., or 1. e., that is a participating political subdivision in an interim regional transit
24 authority, appointed by the chairperson of the county board.

1 **SECTION 15.** 59.58 (7) (d) of the statutes, as created by 2009 Wisconsin Act 28,
2 is amended to read:

3 59.58 (7) (d) The Subject to par. (n) 7., the authority shall have all powers
4 necessary and convenient to plan, create, construct, operate, and manage a KRM
5 commuter rail line. The authority may operate the KRM commuter rail line itself
6 or may contract for a rail service to operate the KRM commuter rail line.

7 **SECTION 16.** 59.58 (7) (e) 2. of the statutes, as created by 2009 Wisconsin Act
8 28, is amended to read:

9 59.58 (7) (e) 2. Retain Except as provided in subd. 3., retain the difference
10 between the amount of the fees imposed under subch. XIII of ch. 77 and the amount
11 of those fees retained under subd. 1. for expenditures related to the KRM commuter
12 rail line, including planning, construction, maintenance, operations, and
13 engineering expenditures.

14 **SECTION 17.** 59.58 (7) (e) 3. of the statutes is created to read:

15 59.58 (7) (e) 3. Provide incentive funds to any interim regional transit authority
16 in compliance with the requirements specified in par. (L). No incentive funds may
17 be provided under this subdivision after June 30, 2011.

18 **SECTION 18.** 59.58 (7) (f) 2. of the statutes, as created by 2009 Wisconsin Act
19 28, is amended to read:

20 59.58 (7) (f) 2. The authority may issue bonds in an aggregate principal amount
21 not to exceed ~~\$50,000,000~~ \$250,000,000, excluding bonds issued to refund
22 outstanding bonds issued under this subdivision, for the purpose of providing funds
23 for the anticipated local funding share required for initiating KRM commuter rail
24 line service and, if applicable, for the purposes specified in par. (n) 6.

1 **SECTION 19.** 59.58 (7) (f) 4. of the statutes, as created by 2009 Wisconsin Act
2 28, is amended to read:

3 59.58 (7) (f) 4. The bonds of the authority are not a debt of the counties or cities
4 that comprise the authority. Neither these counties, nor cities, nor the state are
5 liable for the payment of the bonds. The bonds of the authority shall be payable only
6 out of funds or properties of the authority. The bonds of the authority shall state the
7 restrictions contained in this subdivision on the face of the bonds.

8 **SECTION 20.** 59.58 (7) (g) of the statutes, as created by 2009 Wisconsin Act 28,
9 is amended to read:

10 59.58 (7) (g) All moneys transferred under s. 59.58 (6) (cg), 2007 stats., shall
11 be used by the authority to assist in the planning of the KRM commuter rail line
12 project.

13 **SECTION 21.** 59.58 (7) (i) of the statutes, as created by 2009 Wisconsin Act 28,
14 is amended to read:

15 59.58 (7) (i) The authority is the only entity in ~~the counties of Milwaukee,~~
16 ~~Racine, and Kenosha~~ southeast Wisconsin that may submit an application for
17 funding to the federal transit administration in the U.S. department of
18 transportation under the federal new starts grant program ~~for funding for the KRM~~
19 ~~commuter rail line.~~ Upon receiving any application for federal funds described in s.
20 66.1041 (5), the authority shall promptly submit the application to the appropriate
21 federal agency for consideration.

22 **SECTION 22.** 59.58 (7) (k) of the statutes is created to read:

23 59.58 (7) (k) 1. The authority may provide nonfinancial transit assistance to
24 any interim regional transit authority, including reviewing the transit plans of the
25 interim regional transit authority.

1 2. If the authority receives federal or state funding intended to ultimately be
2 received by any interim regional transit authority, the authority shall forward this
3 funding to the intended recipient.

4 3. Upon request from any municipality or county considering the creation of an
5 interim regional transit authority, the authority shall assist the municipality or
6 county in determining the amount of incentive funds under par. (L) that the interim
7 regional transit authority would likely receive after its creation.

8 **SECTION 23.** 59.58 (7) (L) of the statutes is created to read:

9 59.58 (7) (L) 1. From the fees identified in par. (e), the authority may provide
10 incentive funds to interim regional transit authorities. Upon application for
11 incentive funds by an interim regional transit authority, the board of directors of the
12 southeastern regional transit authority shall evaluate the application and provide
13 incentive funding in compliance with the provisions of this subsection and the bylaws
14 of the southeastern regional transit authority. No incentive funds may be provided
15 under this paragraph after June 30, 2011.

16 2. The board of directors of the southeastern regional transit authority may not
17 provide incentive funds to an interim regional transit authority in an amount in
18 excess of the total amount of revenue generated by the interim regional transit
19 authority from all sources identified in s. 66.1041 (2) (c) 2.

20 3. In evaluating and awarding incentive funding under this paragraph, the
21 board of directors of the southeastern regional transit authority shall apply uniform
22 criteria to all applicants. The board shall consider all of the following factors in
23 evaluating applications by interim regional transit authorities for incentive funds:

24 a. The number of participating political subdivisions in the interim regional
25 transit authority.

1 b. All funding sources providing revenue to the interim regional transit
2 authority.

3 c. The long-term transit goals for the interim regional transit authority.

4 d. Whether the interim regional transit authority has satisfied any of the
5 requirements under s. 66.1041 (6) (c) and (d) ahead of schedule.

6 4. The bylaws of the southeastern regional transit authority shall specify a
7 minimum amount of revenue that must be generated by an interim regional transit
8 authority from all sources identified in s. 66.1041 (2) (c) 2. in order to obtain incentive
9 funding under this paragraph.

10 5. Notwithstanding any requirement or limitation specified in subs. 2. to 4.
11 or the authority's bylaws relating to evaluating, awarding, or providing incentive
12 funding under this paragraph, and notwithstanding any provision of subd. 1.
13 relating to the proper recipient of incentive funding under this paragraph, if the city
14 of Kenosha is a participating political subdivision in an interim regional transit
15 authority, the city of Kenosha shall be eligible for incentive funds in a total amount
16 of \$2,500,000 provided under this paragraph or par. (m). Notwithstanding any
17 requirement or limitation specified in subs. 2. to 4. or the authority's bylaws
18 relating to evaluating, awarding, or providing incentive funding under this
19 paragraph, and notwithstanding any provision of subd. 1. relating to the proper
20 recipient of incentive funding under this paragraph, if the city of Racine is a
21 participating political subdivision in an interim regional transit authority, the city
22 of Racine shall be eligible for incentive funds in a total amount of \$2,500,000 provided
23 under this paragraph or par. (m).

24 **SECTION 24.** 59.58 (7) (m) of the statutes is created to read:

1 59.58 (7) (m) 1. Beginning on July 1, 2011, from the aids received by the
2 authority under s. 85.20 (4m) (a) 6. f., the authority shall provide incentive funds to
3 interim regional transit authorities to assist interim regional transit authorities in
4 providing transit service in their jurisdictional areas.

5 2. The bylaws of the southeastern regional transit authority shall specify a
6 method for determining the amount of incentive funding provided under this
7 paragraph. Incentive funds provided under this paragraph shall be subject to the
8 same requirements and limitations specified in par. (L) 2. and 3. for incentive funds
9 provided under that paragraph, and the bylaws described in this subdivision shall
10 include the same information specified in par. (L) 4. for incentive funds provided
11 under that paragraph.

12 3. Notwithstanding any requirement or limitation specified in subd. 2. or the
13 authority's bylaws relating to evaluating, awarding, or providing incentive funding
14 under this paragraph, and notwithstanding any provision of subd. 1. relating to the
15 purpose or proper recipient of incentive funding under this paragraph, if the city of
16 Kenosha is a participating political subdivision in an interim regional transit
17 authority, the city of Kenosha shall be eligible for incentive funds in a total amount
18 of \$2,500,000 provided under this paragraph or par. (L). Notwithstanding any
19 requirement or limitation specified in subd. 2. or the authority's bylaws relating to
20 evaluating, awarding, or providing incentive funding under this paragraph, and
21 notwithstanding any provision of subd. 1. relating to the purpose or proper recipient
22 of incentive funding under this paragraph, if the city of Racine is a participating
23 political subdivision in an interim regional transit authority, the city of Racine shall
24 be eligible for incentive funds in a total amount of \$2,500,000 provided under this
25 paragraph or par. (L).

1 **SECTION 25.** 59.58 (7) (n) of the statutes is created to read:

2 59.58 (7) (n) 1. After the department of transportation provides a notice
3 specified in s. 66.1041 (7) (a), the authority shall assist each interim regional transit
4 authority identified in the notice in the winding down process described in s. 66.1041
5 (7) (b), including assisting in the orderly transfer of assets and property to the
6 southeastern regional transit authority.

7 2. a. Within 120 days after the department of transportation provides a notice
8 specified in s. 66.1041 (7) (a), the southeastern regional transit authority shall
9 assume responsibility for providing transit service and transit planning within the
10 jurisdictional area of each interim regional transit authority identified in the notice
11 and, as applicable, within the area described in s. 66.1041 (4) (b) 3. serviced by each
12 such interim regional transit authority. In assuming this responsibility, the
13 southeastern regional transit authority shall have available all options for providing
14 transit service that were formerly available to the interim regional transit authority,
15 including those described in s. 66.1041 (4) (a) 1. and (b) 1. and 3., and shall impose
16 the taxes under s. 77.708 (1), if the interim regional transit authority identified in
17 the notice imposed the taxes and if the southeastern regional transit authority
18 adopts a resolution to establish the tax rate. The southeastern regional transit
19 authority shall have all powers necessary and convenient to carry out its
20 responsibilities under this subdivision.

21 b. Each time the southeastern regional transit authority adopts a resolution
22 to establish the tax rate, as described in subd. 2. a., it shall deliver a certified copy
23 of the resolution to the department of revenue at least 120 days before its effective
24 date. The authority may, by adoption of a resolution by the board of directors, repeal
25 the imposition of the taxes under s. 77.708 and shall deliver a certified copy of the

1 repeal resolution to the department of revenue at least 120 days before its effective
2 date.

3 c. Each time the southeastern regional transit authority adopts a resolution as
4 provided in subd. 2. a., it shall specify to the department of revenue the exact
5 boundaries of the authority's jurisdictional area. If the boundaries are other than
6 a county line on any side of the authority's jurisdictional area, the authority shall
7 provide the department with a complete list of all of the 9-digit zip codes that are
8 entirely within the authority's jurisdictional area and a complete list of all the street
9 addresses that are within the authority's jurisdictional area and not included in any
10 9-digit zip code that is entirely within the authority's jurisdictional area. The
11 authority shall provide a certified copy of the information required under this subd.
12 2. c. to the department, in the manner, format, and layout prescribed by the
13 department, at least 120 days prior to the resolution's effective date. If the
14 boundaries of the authority's jurisdictional area subsequently change, the authority
15 shall submit a certified copy of the information required under this subd. 2. c. to the
16 department, in the manner, format, and layout prescribed by the department, at
17 least 120 days prior to the change's effective date.

18 3. a. For all purposes except those specified in subds. 3. b. and c., upon assuming
19 responsibility for transit as provided in subd. 2., the jurisdictional area of the
20 authority shall be the combined jurisdictional areas of all interim regional transit
21 authorities identified in all notices provided by the department of transportation
22 under s. 66.1041 (7) (a).

23 b. For purposes of s. 77.9971 (1), if part but not all of Racine County is included
24 in the jurisdictional area described in subd. 3. a., the authority's jurisdictional area
25 shall include, in addition to the area in subd. 3. a., all of Racine County unless the

1 board of the authority votes to not impose the fees under subch. XIII of ch. 77 in the
2 part of Racine County that did not become a participating political subdivision in an
3 interim regional transit authority or unless the board of the authority votes to
4 remove the member of the board of directors described in par. (c) 1. c.

5 c. For purposes of imposing the taxes under s. 77.708 (1), the southeastern
6 regional transit authority's jurisdictional area shall not include the jurisdictional
7 area of any interim regional transit authority that did not impose the taxes under
8 s. 77.708 (1) before the department of transportation provided the notice specified in
9 s. 66.1041 (7) (a) identifying that interim regional transit authority.

10 4. After the department of transportation provides any notice specified in s.
11 66.1041 (7) (a), the southeastern regional transit authority consists of the
12 participating political subdivisions of all interim regional transit authorities
13 identified in that notice and identified in any prior notice provided by the department
14 under s. 66.1041 (7) (a). If Racine County was not a participating political
15 subdivision of an interim regional transit authority at the time that the department
16 of transportation provided the notice specified in s. 66.1041 (7) (a) identifying an
17 interim regional transit authority with participating political subdivisions located
18 in Racine County, Racine County may subsequently join the southeastern regional
19 transit authority if the governing body of Racine County adopts a resolution to join
20 the authority and the board of directors of the authority approves. The bylaws of the
21 authority shall specify the necessary contents of such a resolution.

22 5. After the department of transportation provides the first notice specified in
23 s. 66.1041 (7) (a), all of the following apply with respect to the authority's board of
24 directors:

1 a. If any member of the board of directors described in par. (c) 1. a. to g. is from
2 a political subdivision that is not a participating political subdivision in an interim
3 regional transit authority, the board of directors may vote to remove that member.

4 b. Any member of the board of directors described in par. (c) 1. a. to g. that is
5 from a political subdivision which is not a participating political subdivision in an
6 interim regional transit authority, and that has not been removed under subd. 5. a.,
7 is limited to voting on issues directly related to the KRM commuter rail line.

8 6. After the department of transportation provides the first notice specified in
9 s. 66.1041 (7) (a), in addition to the authorization under par. (f) 2., the authority may
10 use bond proceeds from the bonds issued under par. (f) for the construction of new
11 capital improvements to the authority's transit system or for the acquisition of
12 existing transit systems.

13 7. a. Except as provided in subds. 7. c. and d., and subject to subd. 8., after the
14 department of transportation provides the first notice specified in s. 66.1041 (7) (a),
15 the authority may expend revenues generated by the authority from sources
16 described in s. 66.1041 (6) (a) for purposes related to the KRM commuter rail line only
17 if these revenues are expended in proportion to ridership of the KRM commuter rail
18 line in the political subdivision, as calculated under subd. 7. b.

19 b. Annually the department of transportation shall calculate ridership of the
20 KRM commuter rail line by estimating the number of transit trips that include use
21 of the KRM commuter rail line and that originate in each political subdivision of the
22 authority's jurisdictional area, as well as the number of transit trips that include use
23 of the KRM commuter rail line and that terminate in each political subdivision of the
24 authority's jurisdictional area. For each political subdivision in the authority's
25 jurisdictional area, the department shall provide to the authority data showing its

1 calculations of the total number of transit trips originating or terminating in that
2 political subdivision.

3 c. Except as provided in subd. 7. d., no revenues generated by the authority
4 from sources described in s. 66.1041 (6) (a) may be expended for construction,
5 operation, or management of the KRM commuter rail line if the expenditure would
6 result in a reduction of transit service in the political subdivision where the revenues
7 were generated, excluding transit service provided by the KRM commuter rail line.
8 This subd. 7. c. does not prohibit the authority from expending revenues generated
9 by the authority from sources described in s. 66.1041 (6) (a) for payment of debt
10 service on bonds issued under par. (f).

11 d. By unanimous vote of its full authorized membership, the board of directors
12 of the authority may expend revenues generated by the authority from sources
13 described in s. 66.1041 (6) (a) for purposes related to the KRM commuter rail line in
14 the manner determined by the board, notwithstanding subds. 7. a. and c.

15 8. a. Except as provided in subd. 8. b., after the department of transportation
16 provides the first notice specified in s. 66.1041 (7) (a), the authority may expend
17 revenues generated by the authority from sources described in s. 66.1041 (6) (a) 1.
18 only in the county in which the revenues were generated and only for purposes of
19 providing transit service or transit planning within this county. Except as provided
20 in subd. 8. b., these funds may not be expended for purposes related to the KRM
21 commuter rail line. This subdivision 8. a. does not prohibit the authority from using
22 any available revenues for payment of debt service on bonds issued under par. (f) that
23 were issued for purposes consistent with this subd. 8. a.

24 b. By unanimous vote of its full authorized membership, the board of directors
25 of the authority may expend revenues generated by the authority from sources

1 described in s. 66.1041 (6) (a) 1., notwithstanding the provisions of subd. 8. a., if the
2 board of directors determines that it is in the best interest of the regional transit
3 system to do so.

4 **SECTION 26.** 66.0301 (1) (a) of the statutes, as affected by 2009 Wisconsin Act
5 112, is amended to read:

6 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
7 “municipality” means the state or any department or agency thereof, or any city,
8 village, town, county, school district, public library system, public inland lake
9 protection and rehabilitation district, sanitary district, farm drainage district,
10 metropolitan sewerage district, sewer utility district, solid waste management
11 system created under s. 59.70 (2), local exposition district created under subch. II of
12 ch. 229, local professional baseball park district created under subch. III of ch. 229,
13 local professional football stadium district created under subch. IV of ch. 229, local
14 cultural arts district created under subch. V of ch. 229, transit authority created
15 under s. 66.1039 or 66.1041 and the southeastern regional transit authority under
16 s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit
17 authority created under s. 66.1041, long-term care district under s. 46.2895, water
18 utility district, mosquito control district, municipal electric company, county or city
19 transit commission, commission created by contract under this section, taxation
20 district, regional planning commission, housing authority created under s. 66.1201,
21 redevelopment authority created under s. 66.1333, community development
22 authority created under s. 66.1335, or city-county health department.

23 **SECTION 27.** 66.0903 (1) (d) of the statutes, as affected by 2009 Wisconsin Act
24 28, is amended to read:

1 66.0903 (1) (d) “Local governmental unit” means a political subdivision of this
2 state, a special purpose district in this state, an instrumentality or corporation of
3 such a political subdivision or special purpose district, a combination or subunit of
4 any of the foregoing or an instrumentality of the state and any of the foregoing.
5 “Local governmental unit” includes a regional transit authority created under s.
6 66.1039, an interim regional transit authority created under s. 66.1041, and the
7 southeastern regional transit authority created under s. 59.58 (7).

8 **SECTION 28.** 66.1039 (1) (i) of the statutes, as created by 2009 Wisconsin Act
9 28, is amended to read:

10 66.1039 (1) (i) “Transportation system” means all land, shops, structures,
11 equipment, property, franchises, and rights of whatever nature required for
12 transportation of passengers within the jurisdictional area of the authority and, ~~only~~
13 ~~to the extent specifically authorized under this section,~~ outside the jurisdictional
14 area of the authority except, with respect to an authority created under sub. (2), it
15 applies outside the jurisdictional area of the authority only to the extent specifically
16 authorized under this section. “Transportation system” includes elevated railroads,
17 subways, underground railroads, motor vehicles, motor buses, and any combination
18 thereof, and any other form of mass transportation, but does not include
19 transportation excluded from the definition of “common motor carrier” under s.
20 194.01 (1) or charter or contract operations to, from, or between points that are
21 outside the jurisdictional area of the authority.

22 **SECTION 29.** 66.1039 (1) (j) of the statutes is created to read:

23 66.1039 (1) (j) “Urbanized Fox Cities metropolitan planning area” means the
24 urbanized area, as defined in 23 USC 134 (b) (6), of the metropolitan planning area,
25 as defined in 23 USC 134 (b) (1), that includes the city of Appleton.

1 **SECTION 30.** 66.1039 (2) (title) of the statutes, as created by 2009 Wisconsin Act
2 28, is amended to read:

3 66.1039 (2) (title) CREATION OF ~~TRANSIT~~AUTHORITIES CERTAIN TRANSIT
4 AUTHORITIES.

5 **SECTION 31.** 66.1039 (2) (d) of the statutes is created to read:

6 66.1039 (2) (d) *Fox Cities regional transit authority.* 1. The Fox Cities regional
7 transit authority, a public body corporate and politic and a separate governmental
8 entity, is created if the governing body of any 2 or more municipalities located in
9 whole or in part within the urbanized Fox Cities metropolitan planning area adopt
10 a resolution authorizing the municipality to become a member of the authority and
11 each resolution is ratified by the electors at a referendum held in the municipality
12 at a spring election. Except as provided in subds. 2. and 3., once created, this
13 authority shall consist of all municipalities that adopt a resolution ratified at a
14 referendum, as provided in this subdivision. Once created, this authority may
15 transact business and exercise any powers granted to it under this section.

16 2. After an authority is created under subd. 1., any municipality located in
17 whole or in part within the urbanized Fox Cities metropolitan planning area may
18 join the authority created under subd. 1. if the governing body of the municipality
19 adopts a resolution to join the authority, the resolution is ratified by the electors at
20 a referendum held in the municipality, and the board of directors of the authority
21 approves the municipality's joinder.

22 3. After an authority is created under subd. 1., any municipality located in
23 whole or in part within Outagamie County, Calumet County, or Winnebago County
24 that is not located in whole or in part within the urbanized Fox Cities metropolitan
25 planning area may join the authority created under subd. 1. if the governing body

1 of the municipality adopts a resolution to join the authority, the resolution is ratified
2 by the electors at a referendum held in the municipality, and the board of directors
3 of the authority approves the municipality's joinder.

4 4. The jurisdictional area of the authority created under this paragraph is the
5 geographic area formed by the combined territorial boundaries of all municipalities
6 that create or join the authority under subds. 1., 2., and 3.

7 5. If a municipality joins the authority under subd. 2. or 3. after it is created,
8 the authority shall provide the department of revenue with a certified copy of the
9 resolution that approves the joining, a certification of the referendum results
10 ratifying this resolution, and a certified copy of the authority's board of directors
11 approval. The municipality's joining of the authority shall take effect on the first day
12 of the calendar quarter that begins at least 120 days after the department receives
13 this information. The authority shall also provide the department with a description
14 of the new boundaries of the authority's jurisdictional area, as provided under sub.
15 (4) (s) 2.

16 **SECTION 32.** 66.1039 (2g) of the statutes is created to read:

17 66.1039 (2g) CREATION OF OTHER TRANSIT AUTHORITIES. (a) In this subsection:

18 1. "County jurisdictional area" means the geographical area designated by a
19 county under sub. (2r) (a).

20 2. "Municipality" has the meaning given in sub. (1) (f) except that
21 "municipality" does not include any portion of a city, village, or town within a county
22 jurisdictional area under sub. (2r) (a) 2. or 3.

23 (b) Subject to pars. (e), (g), (h), (j), and (k), the governing body of a political
24 subdivision may, by resolution, declare the need for an authority to function in the
25 political subdivision and may join together with one or more other political

1 subdivisions to jointly create, by adopting identical resolutions, a public body
2 corporate and politic in these political subdivisions. This public body shall be a
3 separate governmental entity and shall be known as a “regional transit authority.”
4 The authority may transact business and exercise any powers granted under this
5 section for an authority created under this subsection.

6 (c) Subject to pars. (e), (g), (h), and (j), if an authority has been created under
7 par. (b), a political subdivision may join this authority if the governing body of this
8 political subdivision adopts a resolution identical to the existing identical
9 resolutions of the participating political subdivisions of the authority and the
10 authority adopts a resolution allowing this political subdivision to join the authority.

11 (cm) The jurisdictional area of an authority created under this subsection is the
12 geographic area formed by the combined territorial boundaries of all participating
13 political subdivisions of the authority, except that if a participating political
14 subdivision is a county, the jurisdictional area includes the county jurisdictional
15 area.

16 (d) Any resolution under pars. (b) and (c) creating or joining an authority shall
17 specify all of the following:

- 18 1. The name of the authority and a description or map of its jurisdictional area.
- 19 2. The purpose of the authority and the functions or services to be provided by
20 the authority.
- 21 3. The powers, duties, and limitations of the authority.
- 22 4. The establishment and organization of a board of directors, in which all
23 powers of the authority shall be vested. The resolution may permit the board of
24 directors to create an executive committee of the board of directors to assist the board

1 of directors in exercising its powers and duties, but these powers and duties may be
2 carried out only by action of the board in compliance with subd. 7.

3 5. The number of directors, the manner of their appointment, the required
4 representation, if any, for each participating political subdivision and city, village, or
5 town within a county jurisdictional area designated under sub. (2r) (a) 2. or 3., the
6 terms of their office, their compensation, if any, and the procedure for filling
7 vacancies on the board of directors.

8 6. The manner of selection of the officers of the authority and their powers,
9 duties, and limitations.

10 7. The voting requirements for action by the board of directors. At least a
11 majority vote of the authorized directors is necessary for any action to be taken by
12 the board of directors.

13 8. The duties of the board of directors, including the obligation to comply with
14 this section and the laws of this state and with the terms of the resolutions adopted
15 under this section.

16 9. The method of financing the formation and operation of the authority.

17 10. If taxes may be imposed by the authority under sub. (4) (s), the maximum
18 rate of the taxes that may be imposed by the authority under sub. (4) (s), including
19 the initial limit on the rate of taxes that may be imposed by the authority, if any, not
20 to exceed the maximum rate specified in s. 77.708 (1). The rate of the taxes that may
21 be imposed under sub. (4) (s) by an authority created under this subsection shall be
22 uniform among all cities, villages, and towns within the authority's jurisdictional
23 area that are within the same county. For purposes of this subdivision, an authority
24 may declare a participating political subdivision with territory in the jurisdictional

1 area of the authority and in more than one county to be wholly within one of those
2 counties.

3 11. A transit plan or previously approved transit plan for the authority or
4 reference to a transit plan or previously approved transit plan set forth in detail
5 elsewhere. A transit plan under this subdivision shall provide opportunity for public
6 involvement in the transit plan development process.

7 12. Subject to sub. (13m), a procedure by which a participating political
8 subdivision may withdraw from the authority and provisions for the disposition,
9 division, or distribution of any property, assets, and obligations of the authority on
10 withdrawal of a participating political subdivision or on dissolution of the authority.

11 (e) No resolution under par. (b) or (c) is effective unless it is approved by at least
12 a majority vote of the members of the governing body of the political subdivision and
13 ratified by the electors at a referendum held in the area of the political subdivision
14 that would be within the jurisdictional area of the authority under the resolution.

15 (f) At least 30 days before approving a resolution under par. (b) or (c), the
16 governing body of a political subdivision shall hold a public hearing on the resolution.
17 Notice of the hearing shall be published as a class 3 notice under ch. 985.

18 (g) 1. A political subdivision may not create or join an authority under this
19 subsection if the political subdivision is located in southeast Wisconsin, as defined
20 in s. 66.1041 (1) (h), or if the political subdivision is eligible to be a participating
21 political subdivision in any authority authorized under sub. (2).

22 2. Subject to subd. 3., a county may be a participating political subdivision in
23 more than one authority created under this subsection.

24 3. No portion of a city, village, town, or county may be included in the
25 jurisdictional area of more than one authority created under this subsection.

1 (h) If an authority created under par. (b) includes as a participating political
2 subdivision a county that has designated a county jurisdictional area under sub. (2r)
3 (a) 1., the authority shall also include at least one municipality within that county.

4 (i) If an authority has been created under this subsection, the participating
5 political subdivisions of the authority may amend or modify their original
6 resolutions creating or joining the authority if, after any amendment or modification,
7 the resolutions of all participating political subdivisions of the authority remain
8 identical and continue to satisfy the requirements under this section for the creation
9 of an authority, except the requirement under par. (f) and except that no new
10 referendum under par. (e) is required. Any such amendment or modification of the
11 original resolutions creating or joining the authority does not create a new authority
12 unless specifically provided otherwise in the amendment or modification, even if the
13 amendment or modification is undertaken for the purpose of including additional
14 participating political subdivisions in the authority.

15 (j) 1. Subject to subd. 2., an identical resolution under par. (b) or (c) that is
16 approved by a municipality and ratified by the electors under par. (e) is not effective
17 unless approved by the county that contains the geographical area of the
18 municipality to be included in the authority within 45 days of submission of the
19 resolution to that county for approval. For a county to withhold its approval under
20 this paragraph, the county must adopt a resolution by which the county declares its
21 intention to create an authority that will include the municipality in the authority's
22 jurisdictional area, and declares that it will commence, or has commenced, a study
23 relating to the creation of the authority.

24 2. An identical resolution that is not approved by a county under subd. 1. may
25 go into effect, without county approval, unless each of the following occurs:

1 a. The county that withheld approval completes its study relating to the
2 creation of the authority under subd. 1. within 18 months after the county first
3 withheld its approval of the resolution.

4 b. All of the geographic area of the municipality that is within the county that
5 withheld approval is included within the jurisdictional area of an authority within
6 24 months after the county first withheld its approval of the resolution.

7 (k) A county that has designated a county jurisdictional area under sub. (2r)
8 (a) 2. or 3. may create an authority without joining together with one or more other
9 political subdivisions to create the authority.

10 **SECTION 33.** 66.1039 (2r) of the statutes is created to read:

11 66.1039 **(2r)** COUNTY JURISDICTIONAL AREA. (a) Subject to par. (c), a county that
12 is a participating political subdivision in an authority must designate, by resolution,
13 the county jurisdictional area of the authority. The county jurisdictional area shall
14 be one of the following:

15 1. The portion of the county that is within the combined territorial boundaries
16 of each of the cities, villages, and towns in the county that are also participating
17 political subdivisions of the authority.

18 2. The territorial boundaries of the county.

19 3. The combined territorial boundaries of each of the cities, villages, and towns
20 in the county with at least 75 percent of their populations residing within a
21 metropolitan planning area, as defined in 23 USC 134 (b) (1), at the time of
22 designation by the county.

23 (b) Under par. (a) 3., counties that contain all or a part of more than one
24 metropolitan planning area may designate a county jurisdictional area for one or

1 more of the metropolitan planning areas for inclusion in the same authority or
2 different authorities.

3 (c) A county may not designate a county jurisdictional area under par. (a) 2. or
4 3. without prior approval, by resolution, by each city, village, town, or tribal
5 government wholly or partially within the proposed county jurisdictional area that
6 is any of the following:

7 1. The owner, operator, or controlling authority of a transit system that serves
8 at least 10 percent of the passengers, as expressed in unlinked trips, served by all
9 transit systems in the county on average over the 3 years preceding creation of the
10 authority, as determined by the department of transportation.

11 2. A participating political subdivision in an authority.

12 **SECTION 34.** 66.1039 (3) (title) of the statutes, as created by 2009 Wisconsin Act
13 28, is amended to read:

14 66.1039 (3) (title) TRANSIT AUTHORITY GOVERNANCE FOR CERTAIN TRANSIT
15 AUTHORITIES.

16 **SECTION 35.** 66.1039 (3) (e) of the statutes is created to read:

17 66.1039 (3) (e) If an authority is created under sub. (2) (d), the resolutions
18 creating the authority under sub. (2) (d) 1. shall include identical provisions
19 specifying the number and composition of the authority's board of directors. If a
20 municipality joins an authority after its creation, the resolution joining the authority
21 under sub. (2) (d) 2. or 3. shall specify what the number and composition of the
22 authority's board of directors will be after the municipality's joinder, and all
23 municipalities that are participating political subdivisions of the authority at the
24 time of the new municipality's joinder shall amend or modify their resolutions

1 creating or joining the authority to make them identical to the resolution of the newly
2 joining municipality.

3 **SECTION 36.** 66.1039 (3) (g) 4. of the statutes, as created by 2009 Wisconsin Act
4 28, is amended to read:

5 66.1039 (3) (g) 4. The composition of the board of directors of the authority, as
6 determined under par. (d), (e), or (f).

7 **SECTION 37.** 66.1039 (4) (intro.) of the statutes, as created by 2009 Wisconsin
8 Act 28, is amended to read:

9 66.1039 (4) POWERS. (intro.) Notwithstanding s. 59.84 (2) and any other
10 provision of this chapter or ch. 59 or 85, an authority may do all of the following,
11 except that, if the authority is created under sub. (2), the authority may do all of the
12 following only to the extent authorized in the authority's bylaws:

13 **SECTION 38.** 66.1039 (4) (b) (intro.) of the statutes, as created by 2009 Wisconsin
14 Act 28, is amended to read:

15 66.1039 (4) (b) (intro.) Acquire If the authority is created under sub. (2), acquire
16 a comprehensive unified local transportation system and provide funds for the
17 operation and maintenance of the system. Upon the acquisition of a comprehensive
18 unified local transportation system, the authority may:

19 **SECTION 39.** 66.1039 (4) (bm) of the statutes is created to read:

20 66.1039 (4) (bm) If the authority is created under sub. (2g), acquire a
21 comprehensive unified local transportation system by purchase, condemnation
22 under s. 32.05, or otherwise and provide funds for the operation and maintenance of
23 the system. Upon the acquisition of a comprehensive unified local transit system,
24 the authority may:

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

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

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

8 4. Work with the department of transportation to maintain and improve
9 railroad rights-of-way and improvements on these rights-of-way for future transit
10 use.

11 **SECTION 40.** 66.1039 (4) (e) of the statutes, as created by 2009 Wisconsin Act
12 28, is amended to read:

13 66.1039 (4) (e) ~~Apply~~ If the authority is created under sub. (2), apply for federal
14 aids to purchase transportation facilities considered essential for the authority's
15 operation.

16 **SECTION 41.** 66.1039 (4) (em) of the statutes is created to read:

17 66.1039 (4) (em) If the authority is created under sub. (2g), apply for federal or
18 other aids to purchase transit facilities or operate a transit system.

19 **SECTION 42.** 66.1039 (4) (f) of the statutes, as created by 2009 Wisconsin Act
20 28, is amended to read:

21 66.1039 (4) (f) ~~Coordinate~~ If the authority is created under sub. (2), coordinate
22 specialized transportation services, as defined in s. 85.21 (2) (g), for residents who
23 reside within the jurisdictional area and who are disabled or aged 60 or older,
24 including services funded under 42 USC 3001 to 3057n, 42 USC 5001, and 42 USC
25 5011 (b), under ss. 49.43 to 49.499 and 85.21, and under other public funds

1 administered by the county. An authority created under sub. (2) may contract with
2 a county that is a participating political subdivision for the authority to provide
3 specialized transportation services, but such an authority is not an eligible applicant
4 under s. 85.21 (2) (e) and may not receive payments directly from the department of
5 transportation under s. 85.21.

6 **SECTION 43.** 66.1039 (4) (fm) of the statutes is created to read:

7 66.1039 (4) (fm) If the authority is created under sub. (2g), coordinate, provide,
8 or assist in providing specialized transportation services, as defined in s. 85.21 (2)
9 (g), for individuals who are disabled or aged 60 or older, including services funded
10 under 42 USC 3001 to 3057n, 42 USC 5001, and 42 USC 5011 (b), under ss. 49.43 to
11 49.499 and 85.21, and under other public funds administered by the county. An
12 authority created under sub. (2g) may contract with a county that is a participating
13 political subdivision for the authority to provide specialized transportation services,
14 but such an authority is not an eligible applicant under s. 85.21 (2) (e) and may not
15 receive payments directly from the department of transportation under s. 85.21.

16 **SECTION 44.** 66.1039 (4) (s) 5. of the statutes is created to read:

17 66.1039 (4) (s) 5. Notwithstanding subd. 1., an authority created under sub. (2)
18 (d) may not impose the taxes authorized under subd. 1. unless the authorizing
19 resolutions under sub. (2) (d) 1. and, if applicable, sub. (2) (d) 2. and 3., as well as the
20 referendum question on the referendum ballot specified in sub. (2) (d) 1. and, if
21 applicable, sub. (2) (d) 2. and 3., each clearly identifies the maximum rate of the taxes
22 that may be imposed by the authority under subd. 1.

23 **SECTION 45.** 66.1039 (4) (s) 6. of the statutes is created to read:

24 66.1039 (4) (s) 6. If an authority created under sub. (2) (d) adopts a resolution
25 to impose the taxes under subd. 1., no political subdivision that is a member of the

1 authority may levy property taxes for transit purposes in excess of the amount of
2 property taxes levied for transit purposes in the year before the year in which the
3 taxes are imposed under subd. 1., less an amount, if a positive number, that is equal
4 to the taxes collected under subd. 1., minus the amount of federal funding for transit
5 purposes that the political subdivision last received.

6 **SECTION 46.** 66.1039 (4) (s) 7. of the statutes is created to read:

7 66.1039 (4) (s) 7. Notwithstanding subd. 1., an authority created under sub.
8 (2g) may not impose the taxes authorized under subd. 1. unless the authorizing
9 resolutions under sub. (2g) (b) and, if applicable, sub. (2g) (c), as well as the
10 referendum question on the referendum ballot specified in sub. (2g) (e), each clearly
11 identifies the maximum rate of the taxes that may be imposed by the authority under
12 subd. 1.

13 **SECTION 47.** 66.1039 (5) (a) of the statutes, as created by 2009 Wisconsin Act
14 28, is amended to read:

15 66.1039 (5) (a) Notwithstanding sub. (4) (a), (b), (c), (d), (q), and (r), no
16 authority, and no public or private organization with which an authority has
17 contracted for service, may provide service outside the jurisdictional area of the
18 authority unless the authority receives financial support for the service under a
19 contract with a public or other private organization for the service or unless it is
20 necessary in order to provide service to connect residents within the authority's
21 jurisdictional area to transit systems in adjacent counties. This paragraph applies
22 only with respect to an authority created under sub. (2).

23 **SECTION 48.** 66.1039 (5) (d) of the statutes is created to read:

24 66.1039 (5) (d) An authority created under sub. (2g) must revise its transit plan
25 under sub. (2g) (d) 11. at least once every 5 years.

1 **SECTION 49.** 66.1039 (6) (a) of the statutes, as created by 2009 Wisconsin Act
2 28, is amended to read:

3 66.1039 **(6)** (a) An authority acquiring a comprehensive unified local
4 transportation system for the purpose of the authority's operation of the system, or
5 if the authority is created under sub. (2g) for the purpose of the authority's operation
6 or superintendence of the system, shall assume all of the employer's obligations
7 under any contract between the employees and management of the system to the
8 extent allowed by law.

9 **SECTION 50.** 66.1039 (7) (d) of the statutes is created to read:

10 66.1039 **(7)** (d) Except with respect to refunding bonds under sub. (10), bond
11 proceeds may be used only for capital expenditures related to the acquisition of
12 transportation system equipment having a useful life of at least 5 years. This
13 paragraph does not apply to expenditures made for the acquisition of all or part of
14 an existing transportation system.

15 **SECTION 51.** 66.1039 (9) (g) of the statutes, as created by 2009 Wisconsin Act
16 28, is amended to read:

17 66.1039 **(9)** (g) ~~Covenant~~ Subject to sub. (7) (d) with respect to an authority
18 created under sub. (2g), covenant as to the purposes to which the proceeds from the
19 sale of any bonds may be applied, and as to the pledge of such proceeds to secure the
20 payment of the bonds.

21 **SECTION 52.** 66.1039 (13) (intro.) of the statutes, as created by 2009 Wisconsin
22 Act 28, is amended to read:

23 66.1039 **(13)** ~~WITHDRAWAL FROM AUTHORITY~~ CERTAIN AUTHORITIES. (intro.) A
24 participating political subdivision that becomes a member of an authority under sub.
25 (2) (c) 4. shall withdraw from the authority if the county in which the municipality

1 is located withdraws from the authority under this subsection and a participating
2 political subdivision that joined an authority under sub. (2) (b) 3., (c) 3., (d) 2. or 3.,
3 or (e) 2. may withdraw from an authority if all of the following conditions are met:

4 **SECTION 53.** 66.1039 (13m) of the statutes is created to read:

5 **66.1039 (13m) WITHDRAWAL FROM OTHER AUTHORITIES.** (a) A participating
6 political subdivision may withdraw from an authority created under sub. (2g) if all
7 of the following conditions are met:

8 1. The governing body of the political subdivision adopts a resolution by a
9 majority vote of the members of the governing body requesting withdrawal of the
10 political subdivision from the authority.

11 2. The political subdivision has paid, or made provision for the payment of, all
12 obligations of the political subdivision to the authority, including its obligations
13 relative to any outstanding bonds issued by the authority.

14 3. Any tax authorized under sub. (4) (s) that is levied by the authority within
15 the political subdivision continues to be levied for the period of time for which the
16 authority has authorized the tax in a resolution imposing the tax under sub. (4) (s)
17 if such a resolution specifies a time period for the tax or until the effective date of a
18 tax repeal resolution under sub. (4) (s), whichever occurs first.

19 (b) Unless an earlier date for the termination of the provision of transit services
20 has been agreed upon by the withdrawing political subdivision and the authority, if
21 a political subdivision has withdrawn from an authority as provided in par. (a), the
22 political subdivision shall continue to receive services from the authority, in the same
23 manner and to the same extent as those provided to the remaining participating
24 political subdivisions, for so long as the tax continues to be levied as provided in par.

25 (a) 3. Nothing in this paragraph prohibits an authority created under sub. (2g) from

1 changing the manner and extent to which it provides services, including in the
2 withdrawing political subdivision, as long as the services provided in the
3 withdrawing political subdivision remain comparable to those provided in the
4 remaining political subdivisions while the tax continues to be levied in the
5 withdrawing political subdivision. The remaining political subdivisions may choose
6 to increase the tax under sub. (4) (s) and are not required to extend the additional
7 services provided by such additional tax to the withdrawing political subdivision if
8 the additional tax is not also collected in the withdrawing political subdivision.

9 (c) If a political subdivision has withdrawn from an authority as provided in
10 par. (a), the articles of incorporation of the authority shall be amended to reflect the
11 withdrawal of the political subdivision and this amendment shall be filed and
12 published, in the same manner as a resolution, by the withdrawing political
13 subdivision and each participating political subdivision.

14 (d) Withdrawal of a political subdivision from an authority is subject to the
15 resolution provisions specified in sub. (2g) (d) 12.

16 (e) If a political subdivision withdraws from an authority under this subsection,
17 the authority shall provide the department of revenue with notice of the withdrawal
18 and information describing the exact boundaries of the authority's jurisdictional
19 area, as provided in sub. (4) (s) 2., following the withdrawal.

20 **SECTION 54.** 66.1039 (14) of the statutes, as created by 2009 Wisconsin Act 28,
21 is amended to read:

22 **66.1039 (14) DUTY TO PROVIDE TRANSIT SERVICE.** An authority created under sub.
23 (2) shall provide, or contract for the provision of, transit service within the authority's
24 jurisdictional area.

25 **SECTION 55.** 66.1039 (15) of the statutes is created to read:

1 **66.1039 (15) DISSOLUTION OF CERTAIN AUTHORITIES.** An authority created under
2 sub. (2g) may be dissolved if the authority adopts a resolution dissolving the
3 authority. Dissolution of an authority is subject to the resolution provisions specified
4 in sub. (2g) (d) 12. Dissolution of an authority may not occur until all outstanding
5 indebtedness of the authority has been paid and all unexpended funds returned to
6 the participating political subdivisions that supplied them, or until adequate
7 provision has been made for the outstanding indebtedness or unexpended funds. An
8 authority may not be dissolved so long as it has bonds outstanding, unless provision
9 for full payment of such bonds, by escrow or otherwise, has been made pursuant to
10 the terms of the bonds or the resolution, trust indenture, or security instrument
11 securing the bonds. The authority shall notify the department of revenue of the
12 authority's dissolution at least 120 days before the dissolution's effective date.

13 **SECTION 56.** 66.1041 of the statutes is created to read:

14 **66.1041 Interim regional transit authorities. (1) DEFINITIONS.** In this
15 section:

16 (a) Except as used in par. (g), "authority" means an interim regional transit
17 authority created under this section.

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

22 (c) "Department" means the department of transportation.

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

1 (e) “Participating political subdivision” means a political subdivision that has
2 adopted a resolution creating an authority or joining an established authority under
3 this section.

4 (f) “Political subdivision” means a municipality or county.

5 (g) “Southeastern regional transit authority” means the southeastern regional
6 transit authority created under s. 59.58 (7).

7 (h) “Southeast Wisconsin” means the geographical area comprising the
8 counties of Kenosha, Milwaukee, Ozaukee, Washington, Racine, Walworth and
9 Waukesha.

10 (i) “Transit system” means all land, shops, structures, equipment, property,
11 franchises, and rights of whatever nature required for transit of passengers within
12 the jurisdictional area of the authority and outside the jurisdictional area of the
13 authority. “Transit system” includes motor buses, fixed guideway transit,
14 ridesharing, specialized transportation, motor vehicles, elevated railroads,
15 subways, underground railroads, and any combination thereof, and any other form
16 of mass transit, but does not include transportation excluded from the definition of
17 “common motor carrier” under s. 194.01 (1), charter or contract operations to, from,
18 or between points that are outside the jurisdictional area of the authority, or travel
19 by aircraft flight.

20 **(2) CREATION OF AUTHORITY.** (a) Subject to pars. (e) and (f), the governing body
21 of a political subdivision in southeast Wisconsin may, by resolution, create an
22 authority consisting of the political subdivision or may join together with one or more
23 other political subdivisions to jointly create, by adopting identical resolutions, an
24 authority. An authority created under this section is a public body corporate and

1 politic and shall be known as an “interim regional transit authority.” The authority
2 may transact business and exercise any powers granted to it under this section.

3 (b) 1. Subject to par. (f), and except as provided in subd. 2., if an authority has
4 been created under par. (a), a political subdivision may join the authority if the
5 governing body of the political subdivision adopts a resolution identical to the
6 existing resolutions of the authority’s participating political subdivisions or, if the
7 authority is created by a single political subdivision, identical to the existing
8 resolution of the authority’s participating political subdivision, and if the authority’s
9 board of directors adopts a resolution allowing the political subdivision to join the
10 authority. For purposes of determining whether a resolution adopted under this
11 subdivision is identical to an existing resolution of the authority, both the resolutions
12 adopted under par. (a) to create the authority and any modifications to those
13 resolutions under par. (g) shall be considered.

14 2. The resolution of a political subdivision adopted under subd. 1. may differ
15 from each existing resolution by specifying what the composition of the authority’s
16 board of directors will be after the political subdivision has joined the authority, but
17 this resolution must be consistent with the authority’s bylaws as described in sub.

18 (3) (b) 3. If the authority’s board of directors thereafter adopts a resolution allowing
19 the political subdivision to join the authority, the board of directors thereby agrees
20 to the new composition of the authority’s board of directors specified in the resolution
21 of the joining political subdivision and any existing resolution is considered modified
22 under par. (g) 2. to reflect this new board composition.

23 (c) Any resolution creating an authority under par. (a) or joining an authority
24 under par. (b) shall specify all of the following:

1 1. Subject to sub. (3) (b), the composition of the authority's board of directors
2 and other matters relating to the selection, terms, and duties of the board of
3 directors.

4 2. All revenue sources on which the authority will rely for funding and the
5 minimum amount of revenue that the authority will commit to satisfy the revenue
6 requirements for the authority specified in this section.

7 (d) The jurisdictional area of an authority is the geographic area formed by the
8 combined territorial boundaries of all participating political subdivisions of the
9 authority. If the authority includes a county as a participating political subdivision,
10 the jurisdictional area of the authority is the territorial boundaries of the county.

11 (e) An authority may be created under par. (a) only if all of the following apply:

12 1. At least one of the political subdivisions creating the authority operated a
13 transit system receiving funding under s. 85.20 on the effective date of this
14 subdivision [LRB inserts date].

15 2. The political subdivision or political subdivisions creating the authority
16 commit to provide funding for the authority, upon creation, in an amount of at least
17 the political subdivision's property tax levy contribution to transit as of one year prior
18 to the effective date of this subdivision [LRB inserts date], and also make a
19 commitment that the authority, after creation, will meet the revenue requirements
20 specified in sub. (6) through one or more of the revenue sources identified in par. (c)
21 2.

22 (f) An authority may not include more than one county. An authority may not
23 include municipalities located in different counties.

24 (g) 1. Subject to subs. 2. and 3., if an authority has been created under this
25 subsection, the participating political subdivisions of the authority may amend or

1 modify their resolutions creating or joining the authority if, after any amendment or
2 modification, the resolutions of all participating political subdivisions of the
3 authority remain identical and continue to satisfy the requirements under this
4 subsection.

5 2. If a political subdivision joins an authority under par. (b), the participating
6 political subdivisions of the authority may amend or modify their existing
7 resolutions to accomplish any changes necessary to reflect the addition of the new
8 political subdivision to the authority, including any changes to the composition of the
9 authority's board of directors. In lieu of expressly amending or modifying their
10 existing resolutions, the participating political subdivisions of the authority may
11 also effect changes to the composition of the authority's board of directors, in
12 connection with the addition of a new political subdivision to the authority, by means
13 of the approval process specified in par. (b) 2., in which case the existing resolutions
14 of the participating political subdivisions are considered modified to reflect the new
15 composition of the authority's board of directors.

16 3. In lieu of expressly amending or modifying the existing resolutions of the
17 participating political subdivisions of an authority to reflect changes in the rate of,
18 or amount from, any revenue sources specified in par. (c) 2. or in the minimum
19 amount of revenue specified in par. (c) 2., these changes may be made by a vote of the
20 authority's board of directors if, after the changes, the authority continues to satisfy
21 the revenue requirements specified in sub. (6). After such a vote, the existing
22 resolutions of the participating political subdivisions are considered modified to
23 reflect these changes.

24 **(3) GOVERNANCE OF AUTHORITY.** (a) The powers of an authority shall be vested
25 in its board of directors. A majority of the board of directors' full authorized

1 membership constitutes a quorum for the purpose of conducting the authority's
2 business and exercising its powers. Action may be taken by the board of directors
3 upon a vote of a majority of the directors present and voting, unless the bylaws of the
4 authority require a larger number.

5 (b) The board of directors of an authority shall be determined as provided in
6 resolutions creating the authority under sub. (2) (a) or joining an existing authority
7 under sub. (2) (b) except that all of the following shall apply:

8 1. The board of directors shall consist of at least 5 members and not more than
9 9 members.

10 2. The board of directors shall include at least one member from the authority's
11 jurisdictional area, appointed by the governor.

12 3. Subject to subs. 1. and 2., the bylaws of the authority shall specify a
13 procedure and guidelines for changing board membership upon the joinder of a
14 political subdivision under sub. (2) (b).

15 4. Notwithstanding subs. 1. to 3., the board of directors of an authority that
16 includes Milwaukee County shall consist of the following members:

17 a. Two members from the authority's jurisdictional area, appointed by the
18 Milwaukee County board chairperson.

19 b. One member from that portion of the authority's jurisdictional area that is
20 outside the city of Milwaukee, appointed by the Milwaukee County board
21 chairperson.

22 c. One member, appointed by the mayor of the city of Milwaukee.

23 d. One member from the authority's jurisdictional area, appointed by the
24 governor.

1 **(4) AUTHORITY POWERS AND DUTIES.** (a) Notwithstanding s. 59.84 (2) and any
2 other provision of this chapter or ch. 59 or 85, an authority shall do all of the
3 following:

4 1. Provide, or contract with existing transit providers for the provision of,
5 transit service within the authority's jurisdictional area, except that an authority
6 that includes Milwaukee County shall contract with the Milwaukee County board
7 for the authority to provide transit service in Milwaukee County.

8 2. Provide transit planning within the authority's jurisdictional area. Each
9 transit plan of the authority shall be submitted to the southeastern regional transit
10 authority.

11 (b) Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch.
12 59 or 85, in addition to the duties specified in par. (a), an authority may do any of the
13 following:

14 1. Acquire a comprehensive unified local transit system by entering into a
15 transfer agreement with the owner of the system.

16 2. Subject to sub. (5), apply for and utilize state and federal funds.

17 3. Subject to the provisions of par. (a) 1. relating to contracts in Milwaukee
18 County, provide transit service, or contract for the provision of transit service,
19 outside the authority's jurisdictional area if such transit service would benefit
20 residents within the authority's jurisdictional area.

21 **(5) FEDERAL AND STATE AID; INCENTIVE FUNDS.** Any application by an authority
22 for federal or state funding shall first be submitted to the southeastern regional
23 transit authority, which shall then provide the application to the appropriate federal
24 or state agency. If the application results in the receipt of any federal or state funds,
25 those federal or state funds shall first be received by the southeastern regional

1 transit authority, which shall then forward the funds to the authority that provided
2 the application.

3 **(6) AUTHORITY REVENUE REQUIREMENTS.** (a) An authority may generate revenue
4 by doing any of the following, except that an authority that includes Milwaukee
5 County may generate revenue only as provided in subd. 1.:

6 1. a. Imposing, by the adoption of a resolution by the board of directors, the
7 taxes under s. 77.708, except that no authority may adopt such a resolution until a
8 referendum is held in the authority's jurisdictional area on the question of whether
9 the authority may impose the taxes under s. 77.708 and the referendum is decided
10 in the affirmative. For purposes of an authority that has Milwaukee County as the
11 boundaries of its jurisdictional area, the referendum for imposing sales and use taxes
12 for transit purposes that was approved in 2008 in Milwaukee County satisfies the
13 referendum requirement of this subd. 1. a. If an authority adopts a resolution to
14 impose the taxes, it shall deliver a certified copy of the resolution to the department
15 of revenue at least 120 days before its effective date. The authority may, by adoption
16 of a resolution by the board of directors, repeal the imposition of the taxes under s.
17 77.708 and shall deliver a certified copy of the repeal resolution to the department
18 of revenue at least 120 days before its effective date.

19 b. If the authority adopts a resolution as provided in subd. 1. a., it shall specify
20 to the department of revenue the exact boundaries of the authority's jurisdictional
21 area. If the boundaries are the same as the county lines on all sides of the authority's
22 jurisdictional area, the resolution shall specify the county or counties that comprise
23 the authority's entire jurisdictional area. If the boundaries are other than a county
24 line on any side of the authority's jurisdictional area, the authority shall provide the
25 department with a complete list of all the 9-digit zip codes that are entirely within

1 the authority's jurisdictional area and a complete list of all the street addresses that
2 are within the authority's jurisdictional area and not included in any 9-digit zip code
3 that is entirely within the authority's jurisdictional area. The authority shall
4 provide a certified copy of the information required under this subd. 1. b. to the
5 department, in the manner, format, and layout prescribed by the department, at
6 least 120 days prior to the resolution's effective date. If the boundaries of the
7 authority's jurisdictional area subsequently change, the authority shall submit a
8 certified copy of the information required under this subd. 1. b. to the department,
9 in the manner, format, and layout prescribed by the department, at least 120 days
10 prior to the change's effective date.

11 c. If the authority adopts a resolution as provided in subd. 1. a., beginning with
12 the year in which the resolution is adopted, no participating political subdivision
13 may levy property taxes for transit. This subd. 1. c. does not apply to the year in
14 which the resolution is adopted if the resolution is adopted after the participating
15 political subdivision establishes its property tax levy for transit.

16 2. Charging a membership fee to the participating political subdivisions of the
17 authority.

18 (b) An authority shall generate revenue equal to the amount required by pars.
19 (c) and (d). This minimum revenue requirement may be met through funding from
20 one or a combination of revenue sources identified by resolution under sub. (2) (c) 2.,
21 including any revenue option under par. (a) except that an authority that includes
22 Milwaukee County may not generate revenue as provided in par. (a) 2.

23 (c) 1. Within 2 years after the creation of an authority, the authority shall do
24 any of the following:

1 a. Generate revenue sufficient to offset a 30 percent reduction in passenger fare
2 revenues resulting from transit operations or to provide an 8 percent increase in
3 transit service, or a combination of both, as compared with passenger fare revenues
4 and transit service as of the time that the authority was created. With this revenue,
5 the authority shall implement either the specified reduction in passenger fares or the
6 specified increase in transit service, or a combination of both.

7 b. Invest an amount, equivalent to the revenue that would be sufficient to
8 provide an 8 percent increase in transit service, in either improving existing capital
9 assets of the authority or making new capital purchases and improvements for the
10 authority. An investment under this subd. 1. b. is not considered to be made until
11 funds have actually been expended or committed for any applicable purchase or
12 improvement.

13 c. If the authority includes Milwaukee County, increase transit service to a
14 level equal to or greater than the level of transit service provided in Milwaukee
15 County in 2001.

16 2. For purposes of this paragraph, a 15 percent reduction in passenger fare
17 revenues is equivalent to a 4 percent increase in transit service. For purposes of this
18 paragraph, increases in transit service may be calculated by the increase in either
19 transit service miles or transit service hours regardless of whether the transit service
20 occurs within or outside the authority's jurisdictional area, and increases in
21 paratransit miles or paratransit hours shall be included in calculating increases in
22 transit service miles or transit service hours.

23 3. Every 2 years after an authority is created under this section, the
24 department shall determine and certify whether the authority has met the
25 requirements specified in this paragraph. In making this determination, the

1 department shall calculate, and make publicly available, the dollar amount of the
2 passenger fare revenue reductions and the transit service mile or hour increases that
3 would be necessary for the authority to satisfy the requirements under subd. 1. a.,
4 the dollar amount of the investment in existing capital asset improvements or new
5 capital purchases and improvements that would be necessary for the authority to
6 satisfy the requirements under subd. 1. b., and the transit service mile or hour
7 increases that would be necessary for the authority to satisfy the requirement under
8 subd. 1. c. In making its calculation and determination under this subdivision, the
9 department shall consider whether, and make allowances for the fact that, any
10 municipality or county joined the authority under sub. (2) (b) after its initial creation.

11 (d) 1. Within 4 years after the creation of an authority, in addition to continuing
12 to satisfy the requirements specified in par. (c), the authority shall improve the
13 interconnectivity of its transit system by linking with other modes of transportation
14 and improving cross-county links.

15 2. The department shall, by rule, establish criteria for determining whether an
16 authority has satisfied the requirement under subd. 1. In promulgating this rule,
17 the department shall take into account the concerns of taxpayers and the mobility
18 concerns of employers and employees.

19 3. The department shall determine and certify whether an authority has
20 satisfied the requirement specified in subd. 1.

21 (e) 1. Subject to subd. 3., if an authority does not meet the requirements
22 specified in pars. (c) 1. and (d) within the time limits specified in those provisions,
23 the authority is not eligible for incentive funding provided under s. 59.58 (7) (L) or
24 (m). This subdivision does not apply with respect to incentive funds specified in s.
25 59.58 (7) (L) 5. and (m) 3.

1 2. Subject to subd. 3., if an authority does not meet the requirements specified
2 in pars. (c) 1. and (d) within 2 years after the time limits specified in those provisions,
3 the authority shall be dissolved and responsibility for providing transit service and
4 transit planning, as well as all assets, liabilities, rights, and obligations of the
5 authority, shall revert to the participating political subdivisions of the authority. If
6 an authority is dissolved under this subdivision, the authority shall, before
7 dissolving, adopt a resolution by the board of directors repealing the imposition of the
8 taxes under s. 77.708 and deliver a certified copy of the repeal resolution to the
9 department of revenue at least 120 days before its effective date.

10 3. If any municipality or county joins an authority under sub. (2) (b) after its
11 initial creation, the department may make allowances for this fact, including
12 delaying or suspending the penalties under subds. 1. and 2. for failure to meet the
13 requirements specified in pars. (c) 1. and (d).

14 **(7) SUNSET AND TRANSITION.** (a) When 3 authorities created under this section
15 have been certified by the department under sub. (6) (d) 3. as having satisfied the
16 requirement specified in sub. (6) (d) 1., the department shall provide notice of this
17 fact to every authority created under this section, specifically identifying these 3
18 authorities, and this notice shall be considered the department's first notice under
19 this paragraph. If any authority created under this section is subsequently certified
20 by the department under sub. (6) (d) 3. as having satisfied the requirement specified
21 in subd. (6) (d) 1., the department shall provide notice of this fact to the southeastern
22 regional transit authority and to every authority created under this section,
23 specifically identifying the authority that has been subsequently certified.

24 (b) Upon receiving a notice specified in par. (a), each authority identified in the
25 notice shall begin the process of winding down and dissolving, including taking those

1 actions specified in this subsection, and shall complete this process no later than 120
2 days after receiving the notice. Notwithstanding sub. (4), upon receiving a notice
3 specified in par. (a), the duties of each authority identified in the notice shall be
4 limited to winding down and dissolving the authority and facilitating the transition
5 described in this paragraph. The board of directors of the authority shall assist in
6 good faith in the transition from the authority to the southeastern regional transit
7 authority. The southeastern regional transit authority shall be considered the
8 successor to an authority created under this section and wound down under this
9 paragraph. As part of the authority's winding down process, all of the following shall
10 occur:

11 1. The assets and liabilities of the authority shall become the assets and
12 liabilities of the southeastern regional transit authority.

13 2. All tangible personal property, including records, of the authority shall be
14 transferred to the southeastern regional transit authority.

15 3. All contracts entered into by the authority, in effect at the time of winding
16 down the authority, remain in effect and are transferred to the southeastern regional
17 transit authority. The southeastern regional transit authority shall carry out any
18 obligations under such a contract until the contract is modified or rescinded by the
19 southeastern regional transit authority to the extent allowed under the contract.

20 (c) Any authority identified in a notice under par. (a) terminates on the 120th
21 day after the authority receives that notice.

22 **SECTION 57.** 70.11 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is
23 amended to read:

24 70.11 **(2)** MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.
25 Property owned by any county, city, village, town, school district, technical college

1 district, public inland lake protection and rehabilitation district, metropolitan
2 sewerage district, municipal water district created under s. 198.22, joint local water
3 authority created under s. 66.0823, transit authority created under s. 59.58 (7) ~~or~~,
4 66.1039, or 66.1041, long-term care district under s. 46.2895 or town sanitary
5 district; lands belonging to cities of any other state used for public parks; land
6 tax-deeded to any county or city before January 2; but any residence located upon
7 property owned by the county for park purposes that is rented out by the county for
8 a nonpark purpose shall not be exempt from taxation. Except as to land acquired
9 under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after
10 August 17, 1961, to any such governmental unit or for its benefit while the grantor
11 or others for his or her benefit are permitted to occupy the land or part thereof in
12 consideration for the conveyance. Leasing the property exempt under this
13 subsection, regardless of the lessee and the use of the leasehold income, does not
14 render that property taxable.

15 **SECTION 58.** 71.26 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,
16 is amended to read:

17 71.26 (1) (b) *Political units.* Income received by the United States, the state
18 and all counties, cities, villages, towns, school districts, technical college districts,
19 joint local water authorities created under s. 66.0823, transit authorities created
20 under s. 59.58 (7) ~~or~~, 66.1039, or 66.1041, long-term care districts under s. 46.2895
21 or other political units of this state.

22 **SECTION 59.** 74.09 (3) (dn) of the statutes is created to read:

23 74.09 (3) (dn) Indicate the proportionate amount of the property taxes levied
24 for transit purposes that were removed from the levy as a result of the taxes imposed
25 under s. 66.1039 (4) (s) 1. by a regional transit authority created under s. 66.1039 (2)

1 (d) or imposed under s. 66.1041 (6) (a) 1. by an interim regional transit authority
2 created under s. 66.1041.

3 **SECTION 60.** 77.54 (9a) (er) of the statutes, as created by 2009 Wisconsin Act
4 28, is amended to read:

5 77.54 **(9a)** (er) Any transit authority created under s. 59.58 (7) ~~or~~ 66.1039, or
6 66.1041.

7 **SECTION 61.** 77.708 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
8 section 1858b, is amended to read:

9 77.708 **(1)** A transit authority created under s. 59.58, 66.1039, or 66.1041, by
10 resolution under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) 1., respectively,
11 may impose a sales tax and a use tax under this subchapter at a rate not to exceed
12 0.5 percent of the sales price or purchase price or, if lower and the transit authority
13 is created under s. 66.1039 (2g), at a rate not to exceed the maximum rate established
14 by resolution under s. 66.1039 (2g) (d) 10. Those taxes may be imposed only in their
15 entirety. The resolution shall be effective on the first day of the first calendar quarter
16 that begins at least 120 days after the adoption of the resolution.

17 **SECTION 62.** 77.708 (2) of the statutes, as created by 2009 Wisconsin Act 28, is
18 amended to read:

19 77.708 **(2)** Retailers and the department of revenue may not collect a tax under
20 sub. (1) for any transit authority created under s. 59.58, 66.1039, or 66.1041, after
21 the calendar quarter during which the transit authority adopts a repeal resolution
22 under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) 2. or (e) 1., respectively, or,
23 if the transit authority is created under s. 66.1039 (2g), the transit authority
24 dissolves as provided under s. 66.1039 (15), except that the department of revenue

1 may collect from retailers taxes that accrued before such calendar quarter and fees,
2 interest, and penalties that relate to those taxes.

3 **SECTION 63.** 77.9971 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
4 is amended to read:

5 77.9971 (1) The southeastern regional transit authority under s. 59.58 (7) may
6 impose a fee at a rate not to exceed \$18, as adjusted under sub. (2), for each
7 transaction in the authority's jurisdictional area, as described in s. 59.58 (7) (b) and
8 (n) 3., on the rental, but not for rental and not for rental as a service or repair
9 replacement vehicle, of Type 1 automobiles, as defined in s. 340.01 (4) (a), by
10 establishments primarily engaged in short-term rental of passenger cars without
11 drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax
12 under s. 77.54 (1), (4), (7) (a), (7m), (9), or (9a). The fee imposed under this subchapter
13 shall be effective on the first day of the first month that begins at least 90 days after
14 the board of directors of the southeastern regional transit authority approves the
15 imposition of the fee and notifies the department of revenue. The board of directors
16 shall notify the department of a repeal of the fee imposed under this subchapter at
17 least 60 days before the effective date of the repeal.

18 **SECTION 64.** 85.063 (3) (b) 1. of the statutes, as affected by 2009 Wisconsin Act
19 28, is amended to read:

20 85.063 (3) (b) 1. Upon completion of a planning study under sub. (2), or, to the
21 satisfaction of the department, of a study under s. 85.022, a political subdivision in
22 a county, or a transit authority created under s. 66.1039 or 66.1041 and the
23 southeastern regional transit authority under s. 59.58 (7) to the extent it is the
24 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041, that

1 includes the urban area may apply to the department for a grant for property
2 acquisition for an urban rail transit system.

3 **SECTION 65.** 85.064 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,
4 is amended to read:

5 85.064 **(1)** (b) “Political subdivision” means any city, village, town, county,
6 transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.
7 66.0301, or transit authority created under s. 66.1039 or 66.1041 within this state
8 or the southeastern regional transit authority under s. 59.58 (7).

9 **SECTION 66.** 85.11 (1) (a) of the statutes, as created by 2009 Wisconsin Act 28,
10 is amended to read:

11 85.11 **(1)** (a) “Eligible applicant” means the southeastern regional transit
12 authority under s. 59.58 (7) or an interim regional transit authority created under
13 s. 66.1041.

14 **SECTION 67.** 85.20 (4m) (a) (intro.) of the statutes, as affected by 2009 Wisconsin
15 Act 28, is amended to read:

16 85.20 **(4m)** (a) (intro.) The department shall pay annually to the eligible
17 applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The
18 department shall pay annually to the eligible applicant described in subd. 6. d. the
19 amount of aid specified in subd. 6. d. The department shall allocate an amount to
20 each eligible applicant described in subd. 6. e., 6. f., 7., or 8. to ensure that the sum
21 of state and federal aids for the projected operating expenses of each eligible
22 applicant’s urban mass transit system is equal to a uniform percentage, established
23 by the department, of the projected operating expenses of the mass transit system
24 for the calendar year. The department shall make allocations as follows:

1 **SECTION 68.** 85.20 (4m) (a) 6. e. of the statutes, as created by 2009 Wisconsin
2 Act 28, is amended to read:

3 85.20 **(4m)** (a) 6. e. From the appropriation under s. 20.395 (1) (hw), the
4 department may pay the uniform percentage for each eligible applicant for a planned
5 commuter or light rail system that has been enumerated under s. 85.062 (3). An
6 eligible applicant may not receive aid under subd. 6. cm. or d., 7., or 8. for a commuter
7 rail or light rail transit system.

8 **SECTION 69.** 85.20 (4m) (a) 6. f. of the statutes is created to read:

9 85.20 **(4m)** (a) 6. f. From the appropriation under s. 20.395 (1) (hy), the
10 department may pay the uniform percentage for each eligible applicant for making
11 payments under s. 59.58 (7) (m).

12 **SECTION 70.** 85.20 (4s) of the statutes, as affected by 2009 Wisconsin Act 28,
13 is amended to read:

14 85.20 **(4s)** PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed
15 between the department and eligible applicants under this section shall provide that
16 the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the
17 state's fiscal year shall be provided from the following fiscal year's appropriation
18 under s. 20.395 (1) (hr), (hs), (ht), (hu), ~~or (hw)~~, or (hy).

19 **SECTION 71.** 111.70 (1) (j) of the statutes, as affected by 2009 Wisconsin Act 28,
20 is amended to read:

21 111.70 **(1)** (j) "Municipal employer" means any city, county, village, town,
22 metropolitan sewerage district, school district, long-term care district, transit
23 authority under s. 59.58 (7) ~~or~~ 66.1039, or 66.1041, or any other political subdivision
24 of the state, or instrumentality of one or more political subdivisions of the state, that
25 engages the services of an employee and includes any person acting on behalf of a

1 municipal employer within the scope of the person’s authority, express or implied,
2 but specifically does not include a local cultural arts district created under subch. V
3 of ch. 229.

4 **SECTION 72.** 345.05 (1) (ag) of the statutes, as created by 2009 Wisconsin Act
5 28, is amended to read:

6 345.05 (1) (ag) “Authority” means a transit authority created under s. 66.1039
7 or 66.1041 and the southeastern regional transit authority under s. 59.58 (7) to the
8 extent it is the successor under s. 66.1041 (7) (b) to a transit authority created under
9 s. 66.1041.

10 **SECTION 73.** 611.11 (4) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
11 is amended to read:

12 611.11 (4) (a) In this subsection, “municipality” has the meaning given in s.
13 345.05 (1) (c), but also includes any transit authority created under s. 66.1039 or
14 66.1041 and the southeastern regional transit authority under s. 59.58 (7) to the
15 extent it is the successor under s. 66.1041 (7) (b) to a transit authority created under
16 s. 66.1041.

17 (END)