

**2009 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB282)**

Received: **03/29/2010**

Received By: **agary**

Wanted: **Soon**

Companion to LRB:

For: **Peter Barca (608) 266-5504**

By/Representing: **Carla McDonald**

May Contact:

Drafter: **agary**

Subject: **Transportation - mass trnst/rail**

Addl. Drafters: **jkreye**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Barca@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**  
**joseph.kreye@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

Regional transit authorities; interim regional transit authorities; the southeastern regional transit authority; combining portions of other proposals, with modifications

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	agary 03/31/2010	csicilia 03/31/2010		_____			
/1			mduchek 03/31/2010	_____	lparisi 03/31/2010	lparisi 03/31/2010	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	agary 03/31/2010	csicilia 04/01/2010	phenry 04/01/2010	_____	mbarman 04/01/2010	mbarman 04/01/2010	

FE Sent For:

<END>

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/P1	agary 03/31/2010	csicilia 03/31/2010	<i>lf</i> <i>lph</i>	<i>lf</i> <i>lf</i>			
/1			mduchek 03/31/2010	<i>ph</i> <i>ph</i>	lparisi 03/31/2010	lparisi 03/31/2010	

FE Sent For:

<END>

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FE Sent For:							
3/31 <END>							

Please compile :

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-3326  
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into

50377/A1  
↑

run redraft maker  
(d's in ARG's inbox  
so query please)

give to ARG

Please do by noon

print w/ att. #s  
print sort list

**Gary, Aaron**

---

**From:** McDonald, Carla  
**Sent:** Monday, March 29, 2010 3:15 PM  
**To:** Gary, Aaron  
**Subject:** FW: Drafting instructions from Rep. Barca for a sub to AB 282, rolling Fox Cities and SE RTA into Leg Council bill

Aaron,

Just left you message. I think I copied that taxation language from one of the bill pdfs (!) early this morning and then neither Geoff nor I caught it until he read it again just now.

Of course Carrie is right. We mean .5% sales tax for SERTA.

Carla

Carla M. McDonald  
Office of Representative Peter Barca  
State Capitol, Room 107 North  
Madison, WI  
(608) 266-5504  
Fax: (608) 282-3664  
(608) 692-2001 cell  
6086922001@txt.att.net (text from email)

---

**From:** Templeton, Carrie E - GOV [mailto:CarrieE.Templeton@wisconsin.gov]  
**Sent:** Mon 3/29/2010 3:05 PM  
**To:** McDonald, Carla  
**Subject:** RE: Drafting instructions from Rep. Barca for a sub to AB 282, rolling Fox Cities and SE RTA into Leg Council bill

Thanks, Carla. I had an initial question—did you mean a .5% sales tax for SERTA rather than .05%? Thanks again for sharing  
Carrie

---

**From:** McDonald, Carla [mailto:Carla.McDonald@legis.wisconsin.gov]  
**Sent:** Monday, March 29, 2010 2:45 PM  
**To:** Gary, Aaron - LEGIS  
**Cc:** Gaston, Geoff - LEGIS; Templeton, Carrie E - GOV  
**Subject:** Drafting instructions from Rep. Barca for a sub to AB 282, rolling Fox Cities and SE RTA into Leg Council bill

Aaron,

At Rep. Peter Barca's instruction, on Friday Geoff Gaston (from Assembly Transportation Committee Chair John Steinbrink's staff) and I worked together to come up with provisions for a substitute amendment to the Legislative Council RTA bill, AB 282, that would roll Rep. Barca's AB 723 and Rep. Bernard-Schaber's AB 734 into that bill.

03/30/2010

Our assessment, and this includes having had some brief discussions with Rep. Shilling's staff, is that AB 282, if it is amended to include a required referendum on RTA and sales taxation, will cover what Rep. Shilling is trying to accomplish with AB 791 without having to specifically mention a La Crosse RTA, as in last year's budget.

Here is Rep. Barca's request for a draft substitute amendment to AB 282:

#### AB 282

The only change we propose generally to AB 282 -- as it covers all those political subdivisions of the state that do not already have an authorized RTA or are not additionally carved out in this sub -- is that it require a binding referendum in the affected political subdivisions that authorizes the RTA formation and a sales and use tax to be dedicated to transit, up to 0.5 percent. I believe that both the Fox Cities and La Crosse proposals include this provision now.

#### Carve outs

In addition, we propose to carve out RTA instructions for the Fox Cities and Southeast Wisconsin that would allow most of what is in the bills specifically about them, AB 734 (Bernard-Schaber) and AB 723 (Barca), to remain intact and remove them from being covered by the Leg Council bill, with the following changes:

#### Fox Cities portion of amendment to AB 282

The area covered by the Fox Cities RTA is those areas in the Fox Cities Metropolitan Planning Area in Outagamie, Winnebago and Calumet counties. We want to clarify that the remaining portions of these counties that are not in the Fox Cities MPA are covered by the Legislative Council bill and they cannot overlap the area in the Fox Cities MPA.

#### Southeast Wisconsin portion of amendment to AB 282

The area covered by the Southeast Wisconsin RTA remains the seven counties covered by the Southeast Wisconsin Regional Planning Commission (political subdivisions in this area can only form an Interim Regional Transit Authority or directly join the SERTA, but may not form their own RTA as under the Leg Council bill). In Milwaukee, this subdivision must be the county.

In the SERTA, each authorizing government subdivision must hold a binding referendum on formation of the IRTA and on its dedicated funding mechanism for transit. Funding mechanisms can include up to a 2% increase in the hotel tax (this needs to be specifically authorized in the bill because counties do not currently have the authority to use hotel taxation), up to .05% in sales and use tax or a membership fee. The November 2008 Milwaukee County referendum continues to be grandfathered and requires a county board vote to authorize.

Currently AB 723 refers to vehicle registration fees, which both counties and municipalities are authorized to use, as one of the menu options for dedicated funding. We want to remove the vehicle registration fee as part of the explicit menu of funding options that would be subject to referendum and that might eventually pass to the SERTA to control. Since both municipalities and counties have the authority to enact this fee, we believe that vehicle registration fees can be used to pay part of the membership fee, if local governments choose. This would prevent the vehicle fee from becoming part of the revenue menu SERTA could eventually use, as the IRTAs join SERTA.



Finally, we want to include the language from the substitute amendments to AB 723 offered by Reps. Grigsby and Mason establishing a "firewall" that would require sales taxes raised in a county to be spent only on transit in that county.

Harmonize AB 282 and what was done in the 2009-2011 budget

Aaron, I have heard you are already working on this portion but of course AB 282 needs to be harmonized with the RTAs that were already created last year in the budget.

Thank you for all your work on this. Hope you have a long vacation planned when we recess. I am Ccing Geoff so he knows I have been authorized by my boss to make this request and Ccing Carrie Templeton so the governor's office understands how we are trying to proceed with the SE RTA, as the governor's staff was deeply involved in drafting AB 723.

Please do not hesitate to call my cell phone if you need me at any time.

Carla

Carla M. McDonald  
Office of Representative Peter Barca  
State Capitol, Room 107 North  
Madison, WI  
(608) 266-5504  
Fax: (608) 282-3664  
(608) 692-2001 cell  
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**Gary, Aaron**

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**From:** McDonald, Carla  
**Sent:** Tuesday, March 30, 2010 7:10 PM  
**To:** Gary, Aaron  
**Cc:** Runde, Al; Konopacki, Larry; Grosz, Scott; Gaston, Geoff  
**Subject:** Firewall provision change

Aaron,

I just got off the phone with Carrie Templeton, the governor's leg liaison, about the firewall language in the SERTA portion of the sub. Carrie had a conversation with Kevin Benish from Rep. Grigsby's office earlier today. We have movement on acceptable firewall language for the Milwaukee delegation!

We can now add:

The SERTA board can remove the firewall that restricts tax money for transit to being spent only in the county the tax was raised in, if the board determines that it is in the best interest of the regional transit system to do so.

Sorry to add this so late, but this kind of provision is very helpful to our KRM application, so my boss would like to include it.

Carla

Carla M. McDonald  
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State Capitol, Room 107 North  
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Fax: (608) 282-3664  
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6086922001@txt.att.net (text from email)

03/30/2010

3/30  
5:18 pm

- Mc from Carla McDonald & Stephanie Wilson -
  - keep Fox Cities as carve out in sub
  - insert into the sub

(608) 692-2001

**Gary, Aaron**

---

**From:** McDonald, Carla  
**Sent:** Tuesday, March 30, 2010 6:18 PM  
**To:** Gary, Aaron  
**Subject:** Property tax reduction in Fox Cities and SE RTA

Aaron,

This is just to confirm that we want to make sure that the portions in the sub to AB 282 relating the Fox Cities RTA and the SE RTA require property tax reduction commensurate with the sales tax increase to fund transit. These provisions are specific to these RTAs and are not in the Leg Council bill.

Call my cell if needed.

Thanks many times over. You may get a call from the Speaker's office putting this at the top of the priority list, but I know you know it is important.

Carla

Carla M. McDonald  
Office of Representative Peter Barca  
State Capitol, Room 107 North  
Madison, WI 53708  
(608) 266-5504  
Fax: (608) 282-3664  
(608) 692-2001 cell  
6086922001@txt.att.net (text from email)

*this is already  
in AB 734  
ad AB 723*

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

LRBs0377/1dn

ARG:.....

4's

*late*

ATTN: Carla McDonald

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

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

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

With regard to the specific drafting instructions:

1. The "carve out" for the statewide RTA provision in created s. 66.1039 (2g) includes the areas of the state for which a framework for RTA formation already exists under current law or is established in this draft. In other words, under this draft, if a political subdivision is eligible to create or join an RTA under s. 66.1039 (2) or lies within the IRTA area covered by s. 66.1041, it cannot create an RTA under s. 66.1039 (2g). Under

AB-734, incorporated into this draft, a municipality anywhere in Outagamie County, Calumet County, or Winnebago County is eligible to join the Fox Cities RTA. ✓

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

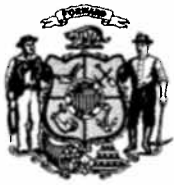
3. The "firewall" language is included in created s. 59.58 (7) (n) 8. The interaction between this language and created s. 59.58 (7) (n) 7. from AB-723 is complicated. I have prepared the draft so that, where conflict arises, the language in subd. 8. trumps that in subd. 7. ✓

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

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

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

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov



Needed  
3/31 as  
early as  
possible

LRBs0377/1  
ARG:J:...

in 3/30

LMNR

cj's

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY SUBSTITUTE AMENDMENT,**  
**TO 2009 ASSEMBLY BILL 282**

D-Note  
inserts

LPS:  
TURN OFF  
BURNING  
DOT NUMBERS

Gen Cat

SA ✓  
soutlier

1 AN ACT **relating to:** the southeastern regional transit authority, the creation  
 2 of ~~interim~~ <sup>and</sup> regional transit authorities ~~in southeast Wisconsin~~, requiring the  
 3 exercise of rule-making authority ~~the creation of a Fox Cities regional transit~~  
 4 ~~authority, the creation of~~ regional transit authorities making an appropriation  
 5 ~~and making appropriations.~~

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

6 \*s0373/P1.1\* 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 \*-4228/1.1\* SECTION 2. 20.005 (3) (schedule) of the statutes: at the appropriate  
 10 place, insert the following amounts for the purposes indicated:





1           \***-4228/1.5\*** SECTION 6. 32.05 (1) (a) of the statutes, as affected by 2009  
2 Wisconsin Act 28, is amended to read:

3           32.05 (1) (a) Except as provided under par. (b), a county board of supervisors  
4 or a county highway committee when so authorized by the county board of  
5 supervisors, a city council, a village board, a town board, a sewerage commission  
6 governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65,  
7 the secretary of transportation, a commission created by contract under s. 66.0301,  
8 a joint local water authority created by contract under s. 66.0823, a transit authority  
9 created under s. 66.1039 or 66.1041 and the southeastern regional transit authority  
10 under s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit  
11 authority created under s. 66.1041, a housing authority under ss. 66.1201 to 66.1211,  
12 a local exposition district created under subch. II of ch. 229, a local cultural arts  
13 district created under subch. V of ch. 229, a redevelopment authority under s.  
14 66.1333 or a community development authority under s. 66.1335 shall make an order  
15 providing for the laying out, relocation and improvement of the public highway,  
16 street, alley, storm and sanitary sewers, watercourses, water transmission and  
17 distribution facilities, mass transit facilities, airport, or other transportation  
18 facilities, gas or leachate extraction systems to remedy environmental pollution from  
19 a solid waste disposal facility, housing project, redevelopment project, cultural arts  
20 facilities, exposition center or exposition center facilities which shall be known as the  
21 relocation order. This order shall include a map or plat showing the old and new  
22 locations and the lands and interests required. A copy of the order shall, within 20  
23 days after its issue, be filed with the county clerk of the county wherein the lands are  
24 located or, in lieu of filing a copy of the order, a plat may be filed or recorded in  
25 accordance with s. 84.095.

1           \*~~4228~~/**1.6**\* **SECTION 7.** 32.07 (2) of the statutes, as affected by 2009 Wisconsin  
2 Act 28, is amended to read:

3           32.07 (2) The petitioner shall determine necessity if application is by the state  
4 or any commission, department, board or other branch of state government or by a  
5 city, village, town, county, school district, board, commission, public officer,  
6 commission created by contract under s. 66.0301, joint local water authority under  
7 s. 66.0823, transit authority created under s. 66.1039 or 66.1041 and the  
8 southeastern regional transit authority under s. 59.58 (7) to the extent it is the  
9 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041,  
10 redevelopment authority created under s. 66.1333, local exposition district created  
11 under subch. II of ch. 229, local cultural arts district created under subch. V of ch.  
12 229, housing authority created under ss. 66.1201 to 66.1211 or for the right-of-way  
13 of a railroad up to 100 feet in width, for a telegraph, telephone or other electric line,  
14 for the right-of-way for a gas pipeline, main or service or for easements for the  
15 construction of any elevated structure or subway for railroad purposes.

16           \*~~4228~~/**1.7**\* **SECTION 8.** 40.02 (28) of the statutes, as affected by 2009 Wisconsin  
17 Act 28, section 779, is amended to read:

18           40.02 (28) "Employer" means the state, including each state agency, any  
19 county, city, village, town, school district, other governmental unit or  
20 instrumentality of 2 or more units of government now existing or hereafter created  
21 within the state, any federated public library system established under s. 43.19  
22 whose territory lies within a single county with a population of 500,000 or more, a  
23 local exposition district created under subch. II of ch. 229, a transit authority created  
24 under s. 66.1039 or 66.1041 and the southeastern regional transit authority under  
25 s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit

1 authority created under s. 66.1041, and a long-term care district created under s.  
2 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). “Employer” does not  
3 include a local cultural arts district created under subch. V of ch. 229. Each employer  
4 shall be a separate legal jurisdiction for OASDHI purposes.

5 **\*-4228/1.8\* SECTION 9.** 59.58 (6) of the statutes, as affected by 2009 Wisconsin  
6 Act 28, is repealed. XX

7 **\*-4228/1.9\* SECTION 10.** 59.58 (7) (a) 1. of the statutes, as created by 2009  
8 Wisconsin Act 28, is amended to read:

9 59.58 (7) (a) 1. ~~“Authority”~~ Except as used in subd. 2m., “authority” means the  
10 southeastern regional transit authority created under this subsection.

11 **\*-4228/1.10\* SECTION 11.** 59.58 (7) (a) 2m. of the statutes is created to read:

12 59.58 (7) (a) 2m. “Interim regional transit authority” means an authority  
13 created under s. 66.1041.

14 **\*-4228/1.11\* SECTION 12.** 59.58 (7) (a) 4., 5. and 6. of the statutes are created  
15 to read:

16 59.58 (7) (a) 4. “Participating political subdivision” means a political  
17 subdivision that has adopted a resolution creating an interim regional transit  
18 authority or joining an established interim regional transit authority.

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

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

21 **\*-4228/1.12\* SECTION 13.** 59.58 (7) (b) of the statutes, as created by 2009  
22 Wisconsin Act 28, is amended to read:

23 59.58 (7) (b) There is created the southeastern regional transit authority, a  
24 public body corporate and politic and a separate governmental entity, ~~consisting~~  
25 that, except as provided in par. (n) 4., consists of the counties and cities of Kenosha,

1 Racine, and Milwaukee. This authority may transact business and exercise any  
2 powers granted to it under this subsection. The Except as provided in par. (n) 3., the  
3 jurisdictional area of this authority is the geographic area formed by the combined  
4 territorial boundaries of the counties of Kenosha, Racine, and Milwaukee.

5 **\*-4228/1.13\* SECTION 14.** 59.58 (7) (c) 1. (intro.) of the statutes, as created by  
6 2009 Wisconsin Act 28, is amended to read:

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

10 **\*-4228/1.14\* SECTION 15.** 59.58 (7) (c) 1. h. and i. of the statutes are created  
11 to read:

12 59.58 (7) (c) 1. h. One member from any city with a population of more than  
13 60,000, other than a city identified in subd. 1. b., 1. d., or 1. f., that is a participating  
14 political subdivision in an interim regional transit authority, appointed by the mayor  
15 of the city.

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

19 **\*-4228/1.15\* SECTION 16.** 59.58 (7) (d) of the statutes, as created by 2009  
20 Wisconsin Act 28, is amended to read:

21 59.58 (7) (d) The Subject to par. (n) 7., the authority shall have all powers  
22 necessary and convenient to plan, create, construct, operate, and manage a KRM  
23 commuter rail line. The authority may operate the KRM commuter rail line itself  
24 or may contract for a rail service to operate the KRM commuter rail line.

1           **\*-4228/1.16\* SECTION 17.** 59.58 (7) (e) 2. of the statutes, as created by 2009  
2 Wisconsin Act 28, is amended to read:

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

8           **\*-4228/1.17\* SECTION 18.** 59.58 (7) (e) 3. of the statutes is created to read:

9           59.58 (7) (e) 3. Provide incentive funds to any interim regional transit authority  
10 in compliance with the requirements specified in par. (L). No incentive funds may  
11 be provided under this subdivision after June 30, 2011.

12           **\*-4228/1.18\* SECTION 19.** 59.58 (7) (f) 2. of the statutes, as created by 2009  
13 Wisconsin Act 28, is amended to read:

14           59.58 (7) (f) 2. The authority may issue bonds in an aggregate principal amount  
15 not to exceed ~~\$50,000,000~~ \$250,000,000, excluding bonds issued to refund  
16 outstanding bonds issued under this subdivision, for the purpose of providing funds  
17 for the anticipated local funding share required for initiating KRM commuter rail  
18 line service and, if applicable, for the purposes specified in par. (n) 6.

19           **\*-4228/1.19\* SECTION 20.** 59.58 (7) (f) 4. of the statutes, as created by 2009  
20 Wisconsin Act 28, is amended to read:

21           59.58 (7) (f) 4. The bonds of the authority are not a debt of the counties or cities  
22 that comprise the authority. Neither these counties, nor cities, nor the state are  
23 liable for the payment of the bonds. The bonds of the authority shall be payable only  
24 out of funds or properties of the authority. The bonds of the authority shall state the  
25 restrictions contained in this subdivision on the face of the bonds.

1           **\*-4228/1.20\* SECTION 21.** 59.58 (7) (g) of the statutes, as created by 2009  
2 Wisconsin Act 28, is amended to read:

3           59.58 (7) (g) All moneys transferred under s. 59.58 (6) (cg), 2007 stats., shall  
4 be used by the authority to assist in the planning of the KRM commuter rail line  
5 project.

6           **\*-4228/1.21\* SECTION 22.** 59.58 (7) (i) of the statutes, as created by 2009  
7 Wisconsin Act 28, is amended to read:

8           59.58 (7) (i) The authority is the only entity in ~~the counties of Milwaukee,~~  
9 ~~Racine, and Kenosha~~ southeast Wisconsin that may submit an application for  
10 funding to the federal transit administration in the U.S. department of  
11 transportation under the federal new starts grant program ~~for funding for the KRM~~  
12 ~~commuter rail line.~~ Upon receiving any application for federal funds described in s.  
13 66.1041 (5), the authority shall promptly submit the application to the appropriate  
14 federal agency for consideration.

15           **\*-4228/1.22\* SECTION 23.** 59.58 (7) (k) of the statutes is created to read:

16           59.58 (7) (k) 1. The authority may provide nonfinancial transit assistance to  
17 any interim regional transit authority, including reviewing the transit plans of the  
18 interim regional transit authority.

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

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

1           \*~~4228/1.23~~\* **SECTION 24.** 59.58 (7) (L) of the statutes is created to read:

2           59.58 (7) (L) 1. From the fees identified in par. (e), the authority may provide  
3 incentive funds to interim regional transit authorities. Upon application for  
4 incentive funds by an interim regional transit authority, the board of directors of the  
5 southeastern regional transit authority shall evaluate the application and provide  
6 incentive funding in compliance with the provisions of this subsection and the bylaws  
7 of the southeastern regional transit authority. No incentive funds may be provided  
8 under this paragraph after June 30, 2011.

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

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

17           a. The number of participating political subdivisions in the interim regional  
18 transit authority.

19           b. All funding sources providing revenue to the interim regional transit  
20 authority.

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

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

24           4. The bylaws of the southeastern regional transit authority shall specify a  
25 minimum amount of revenue that must be generated by an interim regional transit

1 authority from all sources identified in s. 66.1041 (2) (c) 2. in order to obtain incentive  
2 funding under this paragraph.

3 **\*-4228/1.24\* SECTION 25.** 59.58 (7) (m) of the statutes is created to read:

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

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

15 **\*-4228/1.25\* SECTION 26.** 59.58 (7) (n) of the statutes is created to read:

16 59.58 (7) (n) 1. After the department of transportation provides a notice  
17 specified in s. 66.1041 (7) (a), the authority shall assist each interim regional transit  
18 authority identified in the notice in the winding down process described in s. 66.1041  
19 (7) (b), including assisting in the orderly transfer of assets and property to the  
20 southeastern regional transit authority.

21 2. a. Within 120 days after the department of transportation provides a notice  
22 specified in s. 66.1041 (7) (a), the southeastern regional transit authority shall  
23 assume responsibility for providing transit service and transit planning within the  
24 jurisdictional area of each interim regional transit authority identified in the notice  
25 and, as applicable, within the area described in s. 66.1041 (4) (b) 3. serviced by each



1 such interim regional transit authority. In assuming this responsibility, the  
2 southeastern regional transit authority shall have available all options for providing  
3 transit service that were formerly available to the interim regional transit authority,  
4 including those described in s. 66.1041 (4) (a) 1. and (b) 1. and 3., and shall impose  
5 the taxes under s. 77.708 (1), if the interim regional transit authority identified in  
6 the notice imposed the taxes and if the southeastern regional transit authority  
7 adopts a resolution to establish the tax rate. The southeastern regional transit  
8 authority shall have all powers necessary and convenient to carry out its  
9 responsibilities under this subdivision.

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

17 c. Each time the southeastern regional transit authority adopts a resolution as  
18 provided in subd. 2. a., it shall specify to the department of revenue the exact  
19 boundaries of the authority's jurisdictional area. If the boundaries are other than  
20 a county line on any side of the authority's jurisdictional area, the authority shall  
21 provide the department with a complete list of all of the 9-digit zip codes that are  
22 entirely within the authority's jurisdictional area and a complete list of all the street  
23 addresses that are within the authority's jurisdictional area and not included in any  
24 9-digit zip code that is entirely within the authority's jurisdictional area. The  
25 authority shall provide a certified copy of the information required under this subd.

1 2. c. to the department, in the manner, format, and layout prescribed by the  
2 department, at least 120 days prior to the resolution's effective date. If the  
3 boundaries of the authority's jurisdictional area subsequently change, the authority  
4 shall submit a certified copy of the information required under this subd. 2. c. to the  
5 department, in the manner, format, and layout prescribed by the department, at  
6 least 120 days prior to the change's effective date.

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

12 b. For purposes of s. 77.9971 (1), if part but not all of Racine County is included  
13 in the jurisdictional area described in subd. 3. a., the authority's jurisdictional area  
14 shall include, in addition to the area in subd. 3. a., all of Racine County unless the  
15 board of the authority votes to not impose the fees under subch. XIII of ch. 77 in the  
16 part of Racine County that did not become a participating political subdivision in an  
17 interim regional transit authority or unless the board of the authority votes to  
18 remove the member of the board of directors described in par. (c) 1. c.

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

24 4. After the department of transportation provides any notice specified in s.  
25 66.1041 (7) (a), the southeastern regional transit authority consists of the

1 participating political subdivisions of all interim regional transit authorities  
2 identified in that notice and identified in any prior notice provided by the department  
3 under s. 66.1041 (7) (a). If Racine County was not a participating political  
4 subdivision of an interim regional transit authority at the time that the department  
5 of transportation provided the notice specified in s. 66.1041 (7) (a) identifying an  
6 interim regional transit authority with participating political subdivisions located  
7 in Racine County, Racine County may subsequently join the southeastern regional  
8 transit authority if the governing body of Racine County adopts a resolution to join  
9 the authority and the board of directors of the authority approves. The bylaws of the  
10 authority shall specify the necessary contents of such a resolution.

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

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

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

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



and subject to subd. 8.)  
after the department of

1

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

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b. Annually the department of transportation shall calculate ridership of the KRM commuter rail line by estimating the number of transit trips that include use of the KRM commuter rail line and that originate in each political subdivision of the authority's jurisdictional area, as well as the number of transit trips that include use of the KRM commuter rail line and that terminate in each political subdivision of the authority's jurisdictional area. For each political subdivision in the authority's jurisdictional area, the department shall provide to the authority data showing its calculations of the total number of transit trips originating or terminating in that political subdivision.

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

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



1 described in s. 66.1041 (6) (a) for purposes related to the KRM commuter rail line in  
2 the manner determined by the board, notwithstanding subds. 7. a. and c.

Insert  
15-2

3 \***-4228/1.26\*** SECTION 27. 66.0301 (1) (a) of the statutes, as affected by 2009  
4 Wisconsin Act ~~28~~<sup>112</sup>, is amended to read: ✓

5 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section  
6 "municipality" means the state or any department or agency thereof, or any city,  
7 village, town, county, school district, public library system, public inland lake  
8 protection and rehabilitation district, sanitary district, farm drainage district,  
9 metropolitan sewerage district, sewer utility district, solid waste management  
10 system created under s. 59.70 (2), local exposition district created under subch. II of  
11 ch. 229, local professional baseball park district created under subch. III of ch. 229,  
12 local professional football stadium district created under subch. IV of ch. 229, local  
13 cultural arts district created under subch. V of ch. 229, transit authority created  
14 under s. 66.1039 or 66.1041 and the southeastern regional transit authority under  
15 s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit  
16 authority created under s. 66.1041, long-term care district under s. 46.2895, water  
17 utility district, mosquito control district, municipal electric company, county or city  
18 transit commission, commission created by ~~contract under~~ this section, taxation  
19 district, regional planning commission, ~~or city-county~~ health department. ✓

Insert 15-19 ←

20 \***-4228/1.27\*** SECTION 28. 66.0615 (1) (a) of the statutes is renumbered 66.0615 ✓  
21 (1) (ah).

22 \***-4228/1.28\*** SECTION 29. 66.0615 (1) (ad) of the statutes is created to read: ✓  
23 66.0615 (1) (ad) "Authority" has the meaning given in s. 66.1041 (1) (a) for an  
24 interim regional transit authority.

25 \***-4228/1.29\*** SECTION 30. 66.0615 (1) (ge) of the statutes is created to read: ✓

1           66.0615 (1) (ge) "Transit authority" has the meaning given in s. 59.58 (7) (a)  
2 1. for the southeastern regional transit authority.

3           \***-4228/1.30\*** SECTION 31. 66.0615 (1m) (a) of the statutes is amended to read:

4           66.0615 (1m) (a) The governing body of a municipality may enact an  
5 ordinance,; and a district, under par. (e), an authority under par. (ee), and a transit  
6 authority under par. (em), may adopt a resolution,; imposing a tax on the privilege  
7 of furnishing, at retail, except sales for resale, rooms or lodging to transients by  
8 hotelkeepers, motel operators and other persons furnishing accommodations that  
9 are available to the public, irrespective of whether membership is required for use  
10 of the accommodations. A tax imposed under this paragraph is not subject to the  
11 selective sales tax imposed by s. 77.52 (2) (a) 1. and may not be imposed on sales to  
12 the federal government and persons listed under s. 77.54 (9a). A tax imposed under  
13 this paragraph by a municipality shall be paid to the municipality and may be  
14 forwarded to a commission if one is created under par. (c), as provided in par. (d).  
15 Except as provided in par. (am), a tax imposed under this paragraph by a  
16 municipality may not exceed ~~8%~~ 8 percent. Except as provided in par. (am), if a tax  
17 greater than ~~8%~~ 8 percent under this paragraph is in effect on May 13, 1994, the  
18 municipality imposing the tax shall reduce the tax to ~~8%~~ 8 percent, effective on  
19 June 1, 1994.

20           \***-4228/1.31\*** SECTION 32. 66.0615 (1m) (ee) of the statutes is created to read:

21           66.0615 (1m) (ee) 1. An authority may adopt a resolution imposing a room tax  
22 under par. (a) in an amount not to exceed 2 percent of total room charges. A room  
23 tax imposed by an authority under this subdivision applies within the authority's  
24 jurisdiction, as specified in s. 66.1041 (2) (d), and the proceeds of the tax may be used  
25 for any lawful purpose of the authority.

1           2. An authority adopting a resolution to impose the taxes under subd. 1., or  
2           adopting a resolution to discontinue the collection of such taxes, shall deliver a  
3           certified copy of the resolution to the secretary of revenue at least 120 days before its  
4           effective date.

5           3. The department of revenue shall administer the tax that is imposed under  
6           par. (a) by an authority and may take any action, conduct any proceeding, and impose  
7           interest and penalties. Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (3),  
8           (4), (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60,  
9           77.61 (2), (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under  
10          subch. III of ch. 77, apply to the tax described under subd. 1.

11          4. From the appropriation under s. 20.835 (4) (gg), the department of revenue  
12          shall distribute 97.45 percent of the taxes collected under this paragraph for each  
13          authority to that authority and shall indicate to the authority the taxes reported by  
14          each taxpayer in that authority, no later than the end of the month following the end  
15          of the calendar quarter in which the amounts were collected. The taxes distributed  
16          shall be increased or decreased to reflect subsequent refunds, audit adjustments,  
17          and all other adjustments. Interest paid on refunds of the tax under this paragraph  
18          shall be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60  
19          (1) (a). Any authority that receives a report along with a payment under this  
20          subdivision or subd. 3. is subject to the duties of confidentiality to which the  
21          department of revenue is subject under s. 77.61 (5).

22           \*~~4228~~/1.32\* **SECTION 33.** 66.0615 (1m) (em) of the statutes is created to read:

23           66.0615 (1m) (em) 1. Following the completion of a winding down, dissolution,  
24           and transition process described in s. 66.1041 (7), and a transit authority becoming  
25           the successor to the authorities that were created under s. 66.1041 and that have

1 been identified in a notice under s. 66.1041 (7) (a), and following a transit authority's  
2 assumption of responsibility for providing transit service and transit planning as  
3 described in s. 59.58 (7) (n) 2., a transit authority may adopt a resolution imposing  
4 a room tax under par. (a) in an amount not to exceed 2 percent of total room charges.  
5 A room tax imposed by a transit authority under this subdivision applies within the  
6 authority's jurisdiction, as specified in subd. 2., and the proceeds of the tax may be  
7 used for any lawful purpose of the transit authority.

8 2. a. For all purposes except those specified in subd. 2. b., upon assuming  
9 responsibility for transit service and transit planning as described in subd. 1., the  
10 jurisdictional area of the transit authority shall be the combined jurisdictional areas  
11 of all authorities identified in any notice provided by the department of  
12 transportation under s. 66.1041 (7) (a).

13 b. For purposes of imposing the taxes under this paragraph, the transit  
14 authority's jurisdictional area shall not include the jurisdictional area of any  
15 authority that did not impose the taxes under par. (ee) before the department of  
16 transportation provided the notice specified in s. 66.1041 (7) (a) identifying that  
17 authority.

18 3. Each time the transit authority adopts a resolution to impose the taxes under  
19 subd. 1., or adopts a resolution to discontinue the collection of such taxes, it shall  
20 deliver a certified copy of the resolution to the secretary of revenue at least 120 days  
21 before its effective date. Each time the transit authority adopts a resolution as  
22 provided in subd. 1., it shall specify to the department of revenue the exact  
23 boundaries of the transit authority's jurisdictional area. If the boundaries are other  
24 than a county line on any side of the transit authority's jurisdictional area, the  
25 transit authority shall provide the department with a complete list of all of the



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

12 4. Paragraph (ee) 3. and 4., to the extent that it applies to the tax under that  
13 paragraph, applies to the tax under this paragraph.

14 **\*-4228/1.33\* SECTION 34.** 66.0903 (1) (d) of the statutes, as affected by 2009  
15 Wisconsin Act 28, is amended to read:

16 66.0903 (1) (d) "Local governmental unit" means a political subdivision of this  
17 state, a special purpose district in this state, an instrumentality or corporation of  
18 such a political subdivision or special purpose district, a combination or subunit of  
19 any of the foregoing or an instrumentality of the state and any of the foregoing.  
20 "Local governmental unit" includes a regional transit authority created under s.  
21 66.1039, an interim regional transit authority created under s. 66.1041, and the  
22 southeastern regional transit authority created under s. 59.58 (7). ✓

23 **\*s0373/P1.2\* SECTION 35.** 66.1039 (1) (i) of the statutes, as created by 2009  
24 Wisconsin Act 28, is amended to read:

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

13           <sup>^</sup>  
\*~~3326/1.1~~\* **SECTION 36.** 66.1039 (1) (j) of the statutes is created to read:

14           66.1039 (1) (j) "Urbanized Fox Cities metropolitan planning area" means the  
15 urbanized area, as defined in 23 USC 134 (b) (6), of the metropolitan planning area,  
16 as defined in 23 USC 134 (b) (1), that includes the city of Appleton.

17           \*~~s0373/P1.3~~\* **SECTION 37.** 66.1039 (2) (title) of the statutes, as created by 2009 ✓  
18 Wisconsin Act 28, is amended to read:

19           66.1039 (2) (title) ~~CREATION OF TRANSIT AUTHORITIES~~ CERTAIN TRANSIT  
20 AUTHORITIES. ✓

21           \*~~3326/1.2~~\* **SECTION 38.** 66.1039 (2) (d) of the statutes is created to read:

22           66.1039 (2) (d) *Fox Cities regional transit authority.* 1. The Fox Cities regional  
23 transit authority, a public body corporate and politic and a separate governmental  
24 entity, is created if the governing body of any 2 or more municipalities located in  
25 whole or in part within the urbanized Fox Cities metropolitan planning area adopt

1 a resolution authorizing the municipality to become a member of the authority and  
2 each resolution is ratified by the electors at a referendum held in the municipality  
3 at a spring election. Except as provided in subds. 2. and 3., once created, this  
4 authority shall consist of all municipalities that adopt a resolution ratified at a  
5 referendum, as provided in this subdivision. Once created, this authority may  
6 transact business and exercise any powers granted to it under this section.

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

13 3. After an authority is created under subd. 1., any municipality located in  
14 whole or in part within Outagamie County, Calumet County, or Winnebago County  
15 that is not located in whole or in part within the urbanized Fox Cities metropolitan  
16 planning area may join the authority created under subd. 1. if the governing body  
17 of the municipality adopts a resolution to join the authority, the resolution is ratified  
18 by the electors at a referendum held in the municipality, and the board of directors  
19 of the authority approves the municipality's joinder.

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

23 5. If a municipality joins the authority under subd. 2. or 3. after it is created,  
24 the authority shall provide the department of revenue with a certified copy of the  
25 resolution that approves the joining, a certification of the referendum results

1 ratifying this resolution, and a certified copy of the authority's board of directors  
2 approval. The municipality's joining of the authority shall take effect on the first day  
3 of the calendar quarter that begins at least 120 days after the department receives  
4 this information. The authority shall also provide the department with a description  
5 of the new boundaries of the authority's jurisdictional area, as provided under sub.  
6 (4) (s) 2.

7 **\*s0373/P1.4\* SECTION 39.** 66.1039 (2g) of the statutes is created to read:

8 66.1039 (2g) CREATION OF OTHER TRANSIT AUTHORITIES. (a) In this subsection:

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

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

14 (b) Subject to pars. <sup>(e)</sup>(g), (h), (j), and (k), the governing body of a political  
15 subdivision may, by resolution, declare the need for an authority to function in the  
16 political subdivision and may join together with one or more other political  
17 subdivisions to jointly create, by adopting identical resolutions, a public body  
18 corporate and politic in these political subdivisions. This public body shall be a  
19 separate governmental entity and shall be known as a "regional transit authority."  
20 The authority may transact business and exercise any powers granted under this  
21 section for an authority created under this subsection.

22 (c) Subject to pars. <sup>(e)</sup>(g), (h), and (j), if an authority has been created under par.  
23 (b), a political subdivision may join this authority if the governing body of this  
24 political subdivision adopts a resolution identical to the existing identical

1 resolutions of the participating political subdivisions of the authority and the  
2 authority adopts a resolution allowing this political subdivision to join the authority.

3 (cm) The jurisdictional area of an authority created under this subsection is the  
4 geographic area formed by the combined territorial boundaries of all participating  
5 political subdivisions of the authority, except that if a participating political  
6 subdivision is a county, the jurisdictional area includes the county jurisdictional  
7 area.

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

- 10 1. The name of the authority and a description or map of its jurisdictional area.
- 11 2. The purpose of the authority and the functions or services to be provided by  
12 the authority.
- 13 3. The powers, duties, and limitations of the authority.
- 14 4. The establishment and organization of a board of directors, in which all  
15 powers of the authority shall be vested. The resolution may permit the board of  
16 directors to create an executive committee of the board of directors to assist the board  
17 of directors in exercising its powers and duties, but these powers and duties may be  
18 carried out only by action of the board in compliance with subd. 7.
- 19 5. The number of directors, the manner of their appointment, the required  
20 representation, if any, for each participating political subdivision and city, village, or  
21 town within a county jurisdictional area designated under sub. (2r) (a) 2. or 3., the  
22 terms of their office, their compensation, if any, and the procedure for filling  
23 vacancies on the board of directors.
- 24 6. The manner of selection of the officers of the authority and their powers,  
25 duties, and limitations.

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

4           8. The duties of the board of directors, including the obligation to comply with  
5 this section and the laws of this state and with the terms of the resolutions adopted  
6 under this section.

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

8           10. If taxes may be imposed by the authority under sub. (4) (s), the maximum  
9 rate of the taxes that may be imposed by the authority under sub. (4) (s), including  
10 the initial limit on the rate of taxes that may be imposed by the authority, if any, not  
11 to exceed the maximum rate specified in s. 77.708 (1). The rate of the taxes that may  
12 be imposed under sub. (4) (s) by an authority created under this subsection shall be  
13 uniform among all cities, villages, and towns within the authority's jurisdictional  
14 area that are within the same county. For purposes of this subdivision, an authority  
15 may declare a participating political subdivision with territory in the jurisdictional  
16 area of the authority and in more than one county to be wholly within one of those  
17 counties.

18           11. A transit plan or previously approved transit plan for the authority or  
19 reference to a transit plan or previously approved transit plan set forth in detail  
20 elsewhere. A transit plan under this subdivision shall provide opportunity for public  
21 involvement in the transit plan development process.

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

*is effective unless it is*

1 (e) ~~Subject to par. (f), a~~ <sup>e</sup> resolution under par. (b) or (c) ~~shall be~~ <sup>No</sup> approved by at  
 2 least a majority vote of the members of the governing body of the political  
 3 subdivision. ~~The governing body of the political subdivision may also require that~~  
 4 ~~the resolution be~~ <sup>and</sup> ratified by the electors at a referendum held in the area of the  
 5 political subdivision that would be within the jurisdictional area of the authority  
 6 under the resolution.

7 (f) At least 30 days before approving a resolution under par. (b) or (c), the  
 8 governing body of a political subdivision shall hold a public hearing on the resolution.  
 9 Notice of the hearing shall be published as a class 3 notice under ch. 985. ~~At the~~  
 10 ~~public hearing, the governing body of the political subdivision shall solicit comments~~  
 11 ~~and recommendations on the preferred method under par. (e) for approving the~~  
 12 ~~resolution.~~

*insert  
25-13*

13 (g) 1. ~~No municipality or county may be a participating political subdivision in~~  
 14 ~~both an authority created under this subsection and an authority created under sub.~~  
 15 ~~(2) or authorized under any other statute except s. 59.58 (7).~~

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

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

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

23 (i) If an authority has been created under this subsection, the participating  
 24 political subdivisions of the authority may amend or modify their original  
 25 resolutions creating or joining the authority if, after any amendment or modification,



1 the resolutions of all participating political subdivisions of the authority remain  
 2 identical and continue to satisfy the requirements under this section for the creation  
 3 of an authority, except the requirement under par. (f). <sup>insert 26-3</sup> Any such amendment or  
 4 modification of the original resolutions creating or joining the authority does not  
 5 create a new authority unless specifically provided otherwise in the amendment or  
 6 modification, even if the amendment or modification is undertaken for the purpose  
 7 of including additional participating political subdivisions in the authority.

8 (j) 1. Subject to subd. 2., an identical resolution under par. (b) or (c) that is  
 9 approved by a municipality <sup>and ratified by the electors</sup> under par. (e) is not effective unless approved by the  
 10 county that contains the geographical area of the municipality to be included in the  
 11 authority within 45 days of submission of the resolution to that county for approval.  
 12 For a county to withhold its approval under this paragraph, the county must adopt  
 13 a resolution by which the county declares its intention to create an authority that will  
 14 include the municipality in the authority's jurisdictional area, and declares that it  
 15 will commence, or has commenced, a study relating to the creation of the authority.

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

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

21 b. All of the geographic area of the municipality that is within the county that  
 22 withheld approval is included within the jurisdictional area of an authority within  
 23 24 months after the county first withheld its approval of the resolution.



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

4 **\*s0373/P1.5\* SECTION 40.** 66.1039 (2r) of the statutes is created to read:

5 66.1039 (2r) COUNTY JURISDICTIONAL AREA. (a) Subject to par. (c), a county that  
6 is a participating political subdivision in an authority must designate, by resolution,  
7 the county jurisdictional area of the authority. The county jurisdictional area shall  
8 be one of the following:

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

12 2. The territorial boundaries of the county.

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

17 (b) Under par. (a) 3., counties that contain all or a part of more than one  
18 metropolitan planning area may designate a county jurisdictional area for one or  
19 more of the metropolitan planning areas for inclusion in the same authority or  
20 different authorities.

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

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

5           2. A participating political subdivision in an authority.

6           **\*s0373/P1.6\* SECTION 41.** 66.1039 (3) (title) of the statutes, as created by 2009  
7 Wisconsin Act 28, is amended to read:

8           66.1039 (3) (title) TRANSIT AUTHORITY GOVERNANCE FOR CERTAIN TRANSIT  
9 AUTHORITIES.

10          **\*-3326/1.3\* SECTION 42.** 66.1039 (3) (e) of the statutes is created to read:

11          66.1039 (3) (e) If an authority is created under sub. (2) (d), the resolutions  
12 creating the authority under sub. (2) (d) 1. shall include identical provisions  
13 specifying the number and composition of the authority's board of directors. If a  
14 municipality joins an authority after its creation, the resolution joining the authority  
15 under sub. (2) (d) 2. or 3. shall specify what the number and composition of the  
16 authority's board of directors will be after the municipality's joinder, and all  
17 municipalities that are participating political subdivisions of the authority at the  
18 time of the new municipality's joinder shall amend or modify their resolutions  
19 creating or joining the authority to make them identical to the resolution of the newly  
20 joining municipality.

21          **\*-3326/1.4\* SECTION 43.** 66.1039 (3) (g) 4. of the statutes, as created by 2009  
22 Wisconsin Act 28, is amended to read:

23          66.1039 (3) (g) 4. The composition of the board of directors of the authority, as  
24 determined under par. (d), (e), or (f).