

1 ***s0373/P1.7* SECTION 44.** 66.1039 (4) (intro.) of the statutes, as created by
2 2009 Wisconsin Act 28, is amended to read:

3 66.1039 (4) POWERS. (intro.) Notwithstanding s. 59.84 (2) and any other
4 provision of this chapter or ch. 59 or 85, an authority may do all of the following,
5 except that, if the authority is created under sub. (2), the authority may do all of the
6 following only to the extent authorized in the authority's bylaws:

7 ***s0373/P1.8* SECTION 45.** 66.1039 (4) (b) (intro.) of the statutes, as created by
8 2009 Wisconsin Act 28, is amended to read:

9 66.1039 (4) (b) (intro.) ~~Acquire~~ If the authority is created under sub. (2), acquire
10 a comprehensive unified local transportation system and provide funds for the
11 operation and maintenance of the system. Upon the acquisition of a comprehensive
12 unified local transportation system, the authority may:

13 ***s0373/P1.9* SECTION 46.** 66.1039 (4) (bm) of the statutes is created to read:

14 66.1039 (4) (bm) If the authority is created under sub. (2g), acquire a
15 comprehensive unified local transportation system by purchase, condemnation
16 under s. 32.05, or otherwise and provide funds for the operation and maintenance of
17 the system. Upon the acquisition of a comprehensive unified local transit system,
18 the authority may:

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

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

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

1 4. Work with the department of transportation to maintain and improve
2 railroad rights-of-way and improvements on these rights-of-way for future transit
3 use.

4 ***s0373/P1.10* SECTION 47.** 66.1039 (4) (e) of the statutes, as created by 2009
5 Wisconsin Act 28, is amended to read:

6 66.1039 (4) (e) ~~Apply~~ If the authority is created under sub. (2), apply for federal
7 aids to purchase transportation facilities considered essential for the authority's
8 operation.

9 ***s0373/P1.11* SECTION 48.** 66.1039 (4) (em) of the statutes is created to read:
10 66.1039 (4) (em) If the authority is created under sub. (2g), apply for federal or
11 other aids to purchase transit facilities or operate a transit system.

12 ***s0373/P1.12* SECTION 49.** 66.1039 (4) (f) of the statutes, as created by 2009
13 Wisconsin Act 28, is amended to read:

14 66.1039 (4) (f) ~~Coordinate~~ If the authority is created under sub. (2), coordinate
15 specialized transportation services, as defined in s. 85.21 (2) (g), for residents who
16 reside within the jurisdictional area and who are disabled or aged 60 or older,
17 including services funded under 42 USC 3001 to 3057n, 42 USC 5001, and 42 USC
18 5011 (b), under ss. 49.43 to 49.499 and 85.21, and under other public funds
19 administered by the county. An authority created under sub. (2) may contract with
20 a county that is a participating political subdivision for the authority to provide
21 specialized transportation services, but such an authority is not an eligible applicant
22 under s. 85.21 (2) (e) and may not receive payments directly from the department of
23 transportation under s. 85.21.

24 ***s0373/P1.13* SECTION 50.** 66.1039 (4) (fm) of the statutes is created to read:

1 66.1039 (4) (fm) If the authority is created under sub. (2g), coordinate, provide,
 2 or assist in providing specialized transportation services, as defined in s. 85.21 (2)
 3 (g), for individuals who are disabled or aged 60 or older, including services funded
 4 under 42 USC 3001 to 3057n, 42 USC 5001, and 42 USC 5011 (b), under ss. 49.43 to
 5 49.499 and 85.21, and under other public funds administered by the county. An
 6 authority created under sub. (2g) may contract with a county that is a participating
 7 political subdivision for the authority to provide specialized transportation services,
 8 but such an authority is not an eligible applicant under s. 85.21 (2) (e) and may not
 9 receive payments directly from the department of transportation under s. 85.21.

10 ***-3326/1.5*** SECTION 51. 66.1039 (4) (s) 5. of the statutes is created to read:

11 66.1039 (4) (s) 5. Notwithstanding subd. 1., an authority created under sub. (2)
 12 (d) may not impose the taxes authorized under subd. 1. unless the authorizing
 13 resolutions under sub. (2) (d) 1. and, if applicable, sub. (2) (d) 2. and 3., as well as the
 14 referendum question on the referendum ballot specified in sub. (2) (d) 1. and, if
 15 applicable, sub. (2) (d) 2. and 3., each clearly identifies the maximum rate of the taxes
 16 that may be imposed by the authority under subd. 1.

17 ***-3326/1.6*** SECTION 52. 66.1039 (4) (s) 6. of the statutes is created to read:

18 66.1039 (4) (s) 6. If an authority created under sub. (2) (d) adopts a resolution
 19 to impose the taxes under subd. 1., no political subdivision that is a member of the
 20 authority may levy property taxes for transit purposes in excess of the amount of
 21 property taxes levied for transit purposes in the year before the year in which the
 22 taxes are imposed under subd. 1., less an amount, if a positive number, that is equal
 23 to the taxes collected under subd. 1., minus the amount of federal funding for transit
 24 purposes that the political subdivision last received.

✓
 Insert
 31-24 →

✓

1 ***s0373/P1.14* SECTION 53.** 66.1039 (5) (a) of the statutes, as created by 2009
2 Wisconsin Act 28, is amended to read:

3 66.1039 (5) (a) Notwithstanding sub. (4) (a), (b), (c), (d), (q), and (r), no
4 authority, and no public or private organization with which an authority has
5 contracted for service, may provide service outside the jurisdictional area of the
6 authority unless the authority receives financial support for the service under a
7 contract with a public or other private organization for the service or unless it is
8 necessary in order to provide service to connect residents within the authority's
9 jurisdictional area to transit systems in adjacent counties. This paragraph applies
10 only with respect to an authority created under sub. (2).

11 ***s0373/P1.15* SECTION 54.** 66.1039 (5) (d) of the statutes is created to read: ¹

12 66.1039 (5) (d) An authority created under sub. (2g) must revise its transit plan
13 under sub. (2g) (d) 11. at least once every 5 years.

14 ***s0373/P1.16* SECTION 55.** 66.1039 (6) (a) of the statutes, as created by 2009
15 Wisconsin Act 28, is amended to read:

16 66.1039 (6) (a) An authority acquiring a comprehensive unified local
17 transportation system for the purpose of the authority's operation of the system, or
18 if the authority is created under sub. (2g) for the purpose of the authority's operation
19 or superintendence of the system, shall assume all of the employer's obligations
20 under any contract between the employees and management of the system to the
21 extent allowed by law.

22 ***s0373/P1.17* SECTION 56.** 66.1039 (7) (d) of the statutes is created to read:

23 66.1039 (7) (d) Except with respect to refunding bonds under sub. (10), bond
24 proceeds may be used only for capital expenditures related to the acquisition of
25 transportation system equipment having a useful life of at least 5 years. This

1 paragraph does not apply to expenditures made for the acquisition of all or part of
2 an existing transportation system.

3 *s0373/P1.18* SECTION 57. 66.1039 (9) (g) of the statutes, as created by 2009
4 Wisconsin Act 28, is amended to read:

5 66.1039 (9) (g) ~~Covenant~~ Subject to sub. (7) (d) with respect to an authority
6 created under sub. (2g), covenant as to the purposes to which the proceeds from the
7 sale of any bonds may be applied, and as to the pledge of such proceeds to secure the
8 payment of the bonds.

9 ~~*s0373/P1.19* SECTION 58. 66.1039 (13) (title) of the statutes, as created by~~
10 ~~2009 Wisconsin Act 28, is amended to read:~~
11 ~~66.1039 (13) (title) WITHDRAWAL FROM AUTHORITY CERTAIN AUTHORITIES.~~

12 *-3326/1.7* SECTION 59. 66.1039 (13) (intro.) of the statutes, as created by 2009
13 Wisconsin Act 28, is amended to read:

14 66.1039 (13) WITHDRAWAL FROM AUTHORITY (intro.) A participating political
15 subdivision that becomes a member of an authority under sub. (2) (c) 4. shall
16 withdraw from the authority if the county in which the municipality is located
17 withdraws from the authority under this subsection and a participating political
18 subdivision that joined an authority under sub. (2) (b) 3., (c) 3., (d) 2. or 3., or (e) 2.
19 may withdraw from an authority if all of the following conditions are met:

20 *s0373/P1.20* SECTION 60. 66.1039 (13m) of the statutes is created to read:

21 66.1039 (13m) WITHDRAWAL FROM OTHER AUTHORITIES. (a) A participating
22 political subdivision may withdraw from an authority created under sub. (2g) if all
23 of the following conditions are met:



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

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

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

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

18 (a) 3. Nothing in this paragraph prohibits an authority created under sub. (2g) from
19 changing the manner and extent to which it provides services, including in the
20 withdrawing political subdivision, as long as the services provided in the
21 withdrawing political subdivision remain comparable to those provided in the
22 remaining political subdivisions while the tax continues to be levied in the
23 withdrawing political subdivision. The remaining political subdivisions may choose
24 to increase the tax under sub. (4) (s) and are not required to extend the additional

1 services provided by such additional tax to the withdrawing political subdivision if
2 the additional tax is not also collected in the withdrawing political subdivision.

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

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

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

14 ***s0373/P1.21* SECTION 61.** 66.1039 (14) of the statutes, as created by 2009
15 Wisconsin Act 28, is amended to read:

16 66.1039 (14) DUTY TO PROVIDE TRANSIT SERVICE. An authority created under sub.
17 (2) shall provide, or contract for the provision of, transit service within the authority's
18 jurisdictional area.

19 ***s0373/P1.22* SECTION 62.** 66.1039 (15) of the statutes is created to read:

20 66.1039 (15) DISSOLUTION OF CERTAIN AUTHORITIES. An authority created under
21 sub. (2g) may be dissolved if the authority adopts a resolution dissolving the
22 authority. Dissolution of an authority is subject to the resolution provisions specified
23 in sub. (2g) (d) 12. Dissolution of an authority may not occur until all outstanding
24 indebtedness of the authority has been paid and all unexpended funds returned to
25 the participating political subdivisions that supplied them, or until adequate

1 provision has been made for the outstanding indebtedness or unexpended funds. An
2 authority may not be dissolved so long as it has bonds outstanding, unless provision
3 for full payment of such bonds, by escrow or otherwise, has been made pursuant to
4 the terms of the bonds or the resolution, trust indenture, or security instrument
5 securing the bonds. The authority shall notify the department of revenue of the
6 authority's dissolution at least 120 days before the dissolution's effective date.

7 ***-4228/1.34* SECTION 63.** 66.1041 of the statutes is created to read:

8 **66.1041 Interim regional transit authorities. (1) DEFINITIONS.** In this
9 section:

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

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

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

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

18 (e) "Participating political subdivision" means a political subdivision that has
19 adopted a resolution creating an authority or joining an established authority under
20 this section.

21 (f) "Political subdivision" means a municipality or county.

22 (g) "Southeastern regional transit authority" means the southeastern regional
23 transit authority created under s. 59.58 (7).

24 (h) "Southeast Wisconsin" means the geographical area comprising the
25 counties of Kenosha, Milwaukee, Ozaukee, Washington, Racine, ^{Walworth} and Waukesha.



1 (i) "Transit system" means all land, shops, structures, equipment, property,
 2 franchises, and rights of whatever nature required for transit of passengers within
 3 the jurisdictional area of the authority and outside the jurisdictional area of the
 4 authority. "Transit system" includes motor buses, fixed guideway transit,
 5 ridesharing, specialized transportation, motor vehicles, elevated railroads,
 6 subways, underground railroads, and any combination thereof, and any other form
 7 of mass transit, but does not include transportation excluded from the definition of
 8 "common motor carrier" under s. 194.01 (1), charter or contract operations to, from,
 9 or between points that are outside the jurisdictional area of the authority, or travel
 10 by aircraft flight.

11 (2) CREATION OF AUTHORITY. (a) Subject to pars. (e) ^{5 (em) ^} and (f), the governing body ✓
 12 of a political subdivision in southeast Wisconsin may, by resolution, create an
 13 authority consisting of the political subdivision or may join together with one or more
 14 other political subdivisions to jointly create, by adopting identical resolutions, an
 15 authority. An authority created under this section is a public body corporate and
 16 politic and shall be known as an "interim regional transit authority." The authority
 17 may transact business and exercise any powers granted to it under this section.

18 (b) 1. Subject to par. ^{5 (em) and ✓} (f), and except as provided in subd. 2., if an authority has
 19 been created under par. (a), a political subdivision may join the authority if the
 20 governing body of the political subdivision adopts a resolution identical to the
 21 existing resolutions of the authority's participating political subdivisions or, if the
 22 authority is created by a single political subdivision, identical to the existing
 23 resolution of the authority's participating political subdivision, and if the authority's
 24 board of directors adopts a resolution allowing the political subdivision to join the
 25 authority. For purposes of determining whether a resolution adopted under this

✓

1 subdivision is identical to an existing resolution of the authority, both the resolutions
2 adopted under par. (a) to create the authority and any modifications to those
3 resolutions under par. (g) shall be considered.

4 2. The resolution of a political subdivision adopted under subd. 1. may differ
5 from each existing resolution by specifying what the composition of the authority's
6 board of directors will be after the political subdivision has joined the authority, but
7 this resolution must be consistent with the authority's bylaws as described in sub.
8 (3) (b) 3. If the authority's board of directors thereafter adopts a resolution allowing
9 the political subdivision to join the authority, the board of directors thereby agrees
10 to the new composition of the authority's board of directors specified in the resolution
11 of the joining political subdivision and any existing resolution is considered modified
12 under par. (g) 2. to reflect this new board composition.

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

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

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

21 (d) The jurisdictional area of an authority is the geographic area formed by the
22 combined territorial boundaries of all participating political subdivisions of the
23 authority. If the authority includes a county as a participating political subdivision,
24 the jurisdictional area of the authority is the territorial boundaries of the county.

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

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

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

10 2.

insert
39-10

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

13 (g) 1. Subject to subds. 2. ^{to 4.} ~~and 3.~~, if an authority has been created under this
14 subsection, the participating political subdivisions of the authority may amend or
15 modify their resolutions creating or joining the authority if, after any amendment or
16 modification, the resolutions of all participating political subdivisions of the
17 authority remain identical and continue to satisfy the requirements under this
18 subsection.

19 2. If a political subdivision joins an authority under par. (b), the participating
20 political subdivisions of the authority may amend or modify their existing
21 resolutions to accomplish any changes necessary to reflect the addition of the new
22 political subdivision to the authority, including any changes to the composition of the
23 authority's board of directors. In lieu of expressly amending or modifying their
24 existing resolutions, the participating political subdivisions of the authority may
25 also effect changes to the composition of the authority's board of directors, in

1 connection with the addition of a new political subdivision to the authority, by means
2 of the approval process specified in par. (b) 2., in which case the existing resolutions
3 of the participating political subdivisions are considered modified to reflect the new
4 composition of the authority's board of directors.

5 3. In lieu of expressly amending or modifying the existing resolutions of the
6 participating political subdivisions of an authority to reflect changes in the rate of,
7 or amount from, any revenue sources specified in par. (c) 2. or in the minimum
8 amount of revenue specified in par. (c) 2., these changes may be made by a vote of the
9 authority's board of directors if, after the changes, the authority continues to satisfy
10 the revenue requirements specified in sub. (6). After such a vote, the existing
11 resolutions of the participating political subdivisions are considered modified to
12 reflect these changes.

*msl
40-12* →



13 **(3) GOVERNANCE OF AUTHORITY.** (a) The powers of an authority shall be vested
14 in its board of directors. A majority of the board of directors' full authorized
15 membership constitutes a quorum for the purpose of conducting the authority's
16 business and exercising its powers. Action may be taken by the board of directors
17 upon a vote of a majority of the directors present and voting, unless the bylaws of the
18 authority require a larger number.

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

22 1. The board of directors shall consist of at least 5 members and not more than
23 9 members.

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

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

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

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

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

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

12 d. One member from the authority's jurisdictional area, appointed by the
13 governor.

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

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

21 2. Provide transit planning within the authority's jurisdictional area. Each
22 transit plan of the authority shall be submitted to the southeastern regional transit
23 authority.

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

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

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

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

11 (5) FEDERAL AND STATE AID; INCENTIVE FUNDS. Any application by an authority
12 for federal or state funding shall first be submitted to the southeastern regional
13 transit authority, which shall then provide the application to the appropriate federal
14 or state agency. If the application results in the receipt of any federal or state funds,
15 those federal or state funds shall first be received by the southeastern regional
16 transit authority, which shall then forward the funds to the authority that provided
17 the application.

18 (6) AUTHORITY REVENUE REQUIREMENTS. (a) An authority may generate revenue
19 by doing any of the following, except that an authority that includes Milwaukee
20 County may generate revenue only as provided in subd. ² ~~3~~:

21 ~~1. Imposing a local vehicle registration fee under s. 341.35.~~ ✓

22 ¹ 2. Levying a room tax. ✓

23 ² 3. a. Imposing, by the adoption of a resolution by the board of directors, the
24 taxes under s. 77.708, except that no authority may adopt such a resolution until a
25 referendum is held in the authority's jurisdictional area on the question of whether ✓

1 the authority may impose the taxes under s. 77.708 and the referendum is decided
2 in the affirmative. For purposes of an authority that has Milwaukee County as the
3 boundaries of its jurisdictional area, the referendum for imposing sales and use taxes
4 for transit purposes that was approved in 2008 in Milwaukee County satisfies the
5 referendum requirement of this subd. ² §. a. If an authority adopts a resolution to ✓
6 impose the taxes, it shall deliver a certified copy of the resolution to the department
7 of revenue at least 120 days before its effective date. The authority may, by adoption
8 of a resolution by the board of directors, repeal the imposition of the taxes under s.
9 77.708 and shall deliver a certified copy of the repeal resolution to the department
10 of revenue at least 120 days before its effective date.

11 b. If the authority adopts a resolution as provided in subd. ² §. a., it shall specify ✓
12 to the department of revenue the exact boundaries of the authority's jurisdictional
13 area. If the boundaries are the same as the county lines on all sides of the authority's
14 jurisdictional area, the resolution shall specify the county or counties that comprise
15 the authority's entire jurisdictional area. If the boundaries are other than a county
16 line on any side of the authority's jurisdictional area, the authority shall provide the
17 department with a complete list of all the 9-digit zip codes that are entirely within
18 the authority's jurisdictional area and a complete list of all the street addresses that
19 are within the authority's jurisdictional area and not included in any 9-digit zip code
20 that is entirely within the authority's jurisdictional area. The authority shall

21 provide a certified copy of the information required under this subd. ² §. b. to the ✓
22 department, in the manner, format, and layout prescribed by the department, at
23 least 120 days prior to the resolution's effective date. If the boundaries of the
24 authority's jurisdictional area subsequently change, the authority shall submit a
25 certified copy of the information required under this subd. ² §. b. to the department, ✓

1 in the manner, format, and layout prescribed by the department, at least 120 days
2 prior to the change's effective date.

3 c. If the authority adopts a resolution as provided in subd. ²β. a., beginning with
4 the year in which the resolution is adopted, no participating political subdivision
5 may levy property taxes for transit. This subd. ¹β. c. does not apply to the year in
6 which the resolution is adopted if the resolution is adopted after the participating
7 political subdivision establishes its property tax levy for transit.

8 ³4. Charging a membership fee to the participating political subdivisions of the
9 authority.

10 (b) An authority shall generate revenue equal to the amount required by pars.
11 (c) and (d). This minimum revenue requirement may be met through funding from
12 one or a combination of revenue sources identified by resolution under sub. (2) (c) 2.,
13 including any revenue option under par. (a) except that an authority that includes
14 Milwaukee County may not generate revenue as provided in par. (a) 1., ²2., or ³4.

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

17 a. Generate revenue sufficient to offset a 30 percent reduction in passenger fare
18 revenues resulting from transit operations or to provide an 8 percent increase in
19 transit service, or a combination of both, as compared with passenger fare revenues
20 and transit service as of the time that the authority was created. With this revenue,
21 the authority shall implement either the specified reduction in passenger fares or the
22 specified increase in transit service, or a combination of both.

23 b. Invest an amount, equivalent to the revenue that would be sufficient to
24 provide an 8 percent increase in transit service, in either improving existing capital
25 assets of the authority or making new capital purchases and improvements for the

1 authority. An investment under this subd. 1. b. is not considered to be made until
2 funds have actually been expended or committed for any applicable purchase or
3 improvement.

4 c. If the authority includes Milwaukee County, increase transit service to a
5 level equal to or greater than the level of transit service provided in Milwaukee
6 County in 2001.

7 2. For purposes of this paragraph, a 15 percent reduction in passenger fare
8 revenues is equivalent to a 4 percent increase in transit service. For purposes of this
9 paragraph, increases in transit service may be calculated by the increase in either
10 transit service miles or transit service hours regardless of whether the transit service
11 occurs within or outside the authority's jurisdictional area, and increases in
12 paratransit miles or paratransit hours shall be included in calculating increases in
13 transit service miles or transit service hours.

14 3. Every 2 years after an authority is created under this section, the
15 department shall determine and certify whether the authority has met the
16 requirements specified in this paragraph. In making this determination, the
17 department shall calculate, and make publicly available, the dollar amount of the
18 passenger fare revenue reductions and the transit service mile or hour increases that
19 would be necessary for the authority to satisfy the requirements under subd. 1. a.,
20 the dollar amount of the investment in existing capital asset improvements or new
21 capital purchases and improvements that would be necessary for the authority to
22 satisfy the requirements under subd. 1. b., and the transit service mile or hour
23 increases that would be necessary for the authority to satisfy the requirement under
24 subd. 1. c. In making its calculation and determination under this subdivision, the

1 department shall consider whether, and make allowances for the fact that, any
2 municipality or county joined the authority under sub. (2) (b) after its initial creation.

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

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

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

13 (e) 1. Subject to subd. 3., if an authority does not meet the requirements
14 specified in pars. (c) 1. and (d) within the time limits specified in those provisions,
15 the authority is not eligible for incentive funding provided under s. 59.58 (7) (L) or
16 (m).

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

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

5 **(7) SUNSET AND TRANSITION.** (a) When 3 authorities created under this section
6 have been certified by the department under sub. (6) (d) 3. as having satisfied the
7 requirement specified in sub. (6) (d) 1., the department shall provide notice of this
8 fact to every authority created under this section, specifically identifying these 3
9 authorities, and this notice shall be considered the department's first notice under
10 this paragraph. If any authority created under this section is subsequently certified
11 by the department under sub. (6) (d) 3. as having satisfied the requirement specified
12 in subd. (6) (d) 1., the department shall provide notice of this fact to the southeastern
13 regional transit authority and to every authority created under this section,
14 specifically identifying the authority that has been subsequently certified.

15 (b) Upon receiving a notice specified in par. (a), each authority identified in the
16 notice shall begin the process of winding down and dissolving, including taking those
17 actions specified in this subsection, and shall complete this process no later than 120
18 days after receiving the notice. Notwithstanding sub. (4), upon receiving a notice
19 specified in par. (a), the duties of each authority identified in the notice shall be
20 limited to winding down and dissolving the authority and facilitating the transition
21 described in this paragraph. The board of directors of the authority shall assist in
22 good faith in the transition from the authority to the southeastern regional transit
23 authority. The southeastern regional transit authority shall be considered the
24 successor to an authority created under this section and wound down under this

1 paragraph. As part of the authority's winding down process, all of the following shall
2 occur:

3 1. The assets and liabilities of the authority shall become the assets and
4 liabilities of the southeastern regional transit authority.

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

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

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

14 ***-4228/1.35* SECTION 64.** 70.11 (2) of the statutes, as affected by 2009
15 Wisconsin Act 28, is amended to read:

16 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.
17 Property owned by any county, city, village, town, school district, technical college
18 district, public inland lake protection and rehabilitation district, metropolitan
19 sewerage district, municipal water district created under s. 198.22, joint local water
20 authority created under s. 66.0823, transit authority created under s. 59.58 (7) or,
21 66.1039, or 66.1041, long-term care district under s. 46.2895 or town sanitary
22 district; lands belonging to cities of any other state used for public parks; land
23 tax-deeded to any county or city before January 2; but any residence located upon
24 property owned by the county for park purposes that is rented out by the county for
25 a nonpark purpose shall not be exempt from taxation. Except as to land acquired

1 under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after
2 August 17, 1961, to any such governmental unit or for its benefit while the grantor
3 or others for his or her benefit are permitted to occupy the land or part thereof in
4 consideration for the conveyance. Leasing the property exempt under this
5 subsection, regardless of the lessee and the use of the leasehold income, does not
6 render that property taxable.

7 ***-4228/1.36* SECTION 65.** 71.26 (1) (b) of the statutes, as affected by 2009
8 Wisconsin Act 28, is amended to read:

9 71.26 (1) (b) *Political units.* Income received by the United States, the state
10 and all counties, cities, villages, towns, school districts, technical college districts,
11 joint local water authorities created under s. 66.0823, transit authorities created
12 under s. 59.58 (7) ~~or~~, 66.1039, or 66.1041, long-term care districts under s. 46.2895
13 or other political units of this state.

14 ***-4228/1.37* SECTION 66.** 77.54 (9a) (er) of the statutes, as created by 2009
15 Wisconsin Act 28, is amended to read:

16 77.54 (9a) (er) Any transit authority created under s. 59.58 (7) ~~or~~, 66.1039, or
17 66.1041.

18 ***-4228/1.38* SECTION 67.** 77.708 (1) of the statutes, as affected by 2009
19 Wisconsin Act 28, section 1858b, is amended to read:

20 77.708 (1) A transit authority created under s. 59.58, 66.1039, or 66.1041, by
21 resolution under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) ², respectively. ✓
22 may impose a sales tax and a use tax under this subchapter at a rate not to exceed
23 0.5 percent of the sales price or purchase price. Those taxes may be imposed only in
24 their entirety. The resolution shall be effective on the first day of the first calendar
25 quarter that begins at least 120 days after the adoption of the resolution.

insert 49-23 (MOVE FROM NEXT PAGE)



1 ~~*s0373/P1.23* SECTION 68. 77.708 (1) of the statutes, as affected by 2009~~
2 ~~Wisconsin Act 28, section 1858b, is amended to read:~~

3 ~~77.708 (1) A transit authority created under s. 66.1039, by resolution under s.~~
4 ~~66.1039 (4) (s), may impose a sales tax and a use tax under this subchapter at a rate~~
5 ~~not to exceed 0.5 percent of the sales price or purchase price or, if lower and the~~
6 transit authority is created under s. 66.1039 (2g), at a rate not to exceed the
7 maximum rate established by resolution under s. 66.1039 (2g) (d) 10. Those taxes
8 may be imposed only in their entirety. The resolution shall be effective on the first
9 day of the first calendar quarter that begins at least 120 days after the adoption of
10 the resolution.

Insert
49-23
move
to
P. 49

11 ~~*-4228/1.39* SECTION 69. 77.708 (2) of the statutes, as created by 2009~~
12 ~~Wisconsin Act 28, is amended to read:~~

13 ~~77.708 (2) Retailers and the department of revenue may not collect a tax under~~
14 ~~sub. (1) for any transit authority created under s. 59.58, 66.1039, or 66.1041, after~~
15 ~~the calendar quarter during which the transit authority adopts a repeal resolution~~
16 ~~under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) ²/₃ or (e) 2., respectively.~~

17 3 except that the department of revenue may collect from retailers taxes that accrued
18 before such calendar quarter and fees, interest, and penalties that relate to those
19 taxes.

20 ~~*s0373/P1.24* SECTION 70. 77.708 (2) of the statutes, as created by 2009~~
21 ~~Wisconsin Act 28, is amended to read:~~

22 ~~77.708 (2) Retailers and the department of revenue may not collect a tax under~~
23 ~~sub. (1) for any transit authority created under s. 66.1039 after the calendar quarter~~
24 ~~during which the transit authority adopts a repeal resolution under s. 66.1039 (4) (s)~~
25 or, if the transit authority is created under s. 66.1039 (2g), the transit authority

move

move

move

~~dissolves as provided under s. 66.1039 (15), except that the department of revenue may collect from retailers taxes that accrued before such calendar quarter and fees, interest, and penalties that relate to those taxes.~~

***-4228/1.40* SECTION 71.** 77.9971 (1) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

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

~~***-4228/1.41* SECTION 72.** 79.03 (3) (b) 4. a. of the statutes is amended to read:~~

~~79.03 (3) (b) 4. a. "Local general purpose taxes" means the portion of tax increments collected for payment to a municipality under s. 66.1105 which is attributable to that municipality's own levy, the portion of environmental remediation tax increments collected for payment to a municipality or county under s. 66.1106 that is attributable to that municipality's or county's own levy, general property taxes, excluding taxes for a county children with disabilities education~~

1 board, collected to finance the general purpose government unit, property taxes
2 collected for sewage and sanitary districts, monthly municipal permit fees under s.
3 66.0435 (3), the proceeds of county sales and use taxes, and ~~municipal and county~~
4 local vehicle registration fees under s. ~~341.35~~ (1).

5 ***-4228/1.42* SECTION 73.** 85.063 (3) (b) 1. of the statutes, as affected by 2009
6 Wisconsin Act 28, is amended to read:


7 85.063 (3) (b) 1. Upon completion of a planning study under sub. (2), or, to the
8 satisfaction of the department, of a study under s. 85.022, a political subdivision in
9 a county, or a transit authority created under s. 66.1039 or 66.1041 and the
10 southeastern regional transit authority under s. 59.58 (7) to the extent it is the
11 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041, that
12 includes the urban area may apply to the department for a grant for property
13 acquisition for an urban rail transit system.

14 ***-4228/1.43* SECTION 74.** 85.064 (1) (b) of the statutes, as affected by 2009
15 Wisconsin Act 28, is amended to read:

16 85.064 (1) (b) "Political subdivision" means any city, village, town, county,
17 transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.
18 66.0301, or transit authority created under s. 66.1039 or 66.1041 within this state
19 or the southeastern regional transit authority under s. 59.58 (7).

20 ***-4228/1.44* SECTION 75.** 85.11 (1) (a) of the statutes, as created by 2009
21 Wisconsin Act 28, is amended to read:

22 85.11 (1) (a) "Eligible applicant" means the southeastern regional transit
23 authority under s. 59.58 (7) or an interim regional transit authority created under
24 s. 66.1041.



1 ***-4228/1.45* SECTION 76.** 85.20 (4m) (a) (intro.) of the statutes, as affected by
2 2009 Wisconsin Act 28, is amended to read:

3 85.20 (4m) (a) (intro.) The department shall pay annually to the eligible
4 applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The
5 department shall pay annually to the eligible applicant described in subd. 6. d. the
6 amount of aid specified in subd. 6. d. The department shall allocate an amount to
7 each eligible applicant described in subd. 6. e., 6. f., 7., or 8. to ensure that the sum
8 of state and federal aids for the projected operating expenses of each eligible
9 applicant's urban mass transit system is equal to a uniform percentage, established
10 by the department, of the projected operating expenses of the mass transit system
11 for the calendar year. The department shall make allocations as follows:

12 ***-4228/1.46* SECTION 77.** 85.20 (4m) (a) 6. e. of the statutes, as created by 2009
13 Wisconsin Act 28, is amended to read:

14 85.20 (4m) (a) 6. e. From the appropriation under s. 20.395 (1) (hw), the
15 department may pay the uniform percentage for each eligible applicant for a planned
16 commuter or light rail system that has been enumerated under s. 85.062 (3). An
17 eligible applicant may not receive aid under subd. 6. cm. or d., 7., or 8. for a commuter
18 rail or light rail transit system.

19 ***-4228/1.47* SECTION 78.** 85.20 (4m) (a) 6. f. of the statutes is created to read:

20 85.20 (4m) (a) 6. f. From the appropriation under s. 20.395 (1) (hy), the
21 department may pay the uniform percentage for each eligible applicant for making
22 payments under s. 59.58 (7) (m).

23 ***-4228/1.48* SECTION 79.** 85.20 (4s) of the statutes, as affected by 2009
24 Wisconsin Act 28, is amended to read:

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

6 *~~4228/1.49~~* **SECTION 80.** 111.70 (1) (j) of the statutes, as affected by 2009
7 Wisconsin Act 28, is amended to read:

8 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
9 metropolitan sewerage district, school district, long-term care district, transit
10 authority under s. 59.58 (7) ~~or~~, 66.1039, or 66.1041, or any other political subdivision
11 of the state, or instrumentality of one or more political subdivisions of the state, that
12 engages the services of an employee and includes any person acting on behalf of a
13 municipal employer within the scope of the person’s authority, express or implied,
14 but specifically does not include a local cultural arts district created under subch. V
15 of ch. 229.

16 *~~4228/1.50~~* **SECTION 81.** 341.35 (title) of the statutes is amended to read:
17 **341.35 (title) ~~Municipal or county~~ Local vehicle registration fee.**
18 *~~4228/1.51~~* **SECTION 82.** 341.35 (1) of the statutes is amended to read:
19 341.35 (1) ANNUAL REGISTRATION FEE. In this section “municipality” means a
20 town, village or city and “motor vehicle” means an automobile or motor truck
21 registered under s. 341.25 (1) (c) at a gross weight of not more than 8,000 pounds.
22 Subject to sub. (9), in this section “authority” means an interim regional transit
23 authority created under s. 66.1041. The governing body of a municipality or county
24 may enact an ordinance imposing an annual flat municipal or county registration fee
25 on all motor vehicles registered in this state which are customarily kept in the

X

X

✓

1 municipality or county. The board of directors of an authority may adopt a resolution
2 imposing an annual flat registration fee on all motor vehicles registered in this state
3 which are customarily kept in the jurisdictional area of the authority. A registration
4 fee imposed under this section shall be in addition to state registration fees.

5 ~~*-4228/1.52*~~ SECTION 83. 341.35 (2) (intro.) of the statutes is amended to read: X

6 341.35 (2) EXEMPTIONS. (intro.) The following vehicles are exempt from any
7 ~~municipal or county~~ local vehicle registration fee under this section:

8 ~~*-4228/1.53*~~ SECTION 84. 341.35 (3m) of the statutes is amended to read: X

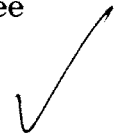
9 341.35 (3m) ~~COUNTY AND MUNICIPAL~~ MULTIPLE LOCAL FEES. If a municipality and
10 the county in which the municipality is located enact ordinances under this section,
11 a motor vehicle customarily kept in the municipality shall be subject to a municipal
12 registration fee and a county registration fee. If an authority imposes a local
13 registration fee under this section, this fee is in addition to any local registration fee
14 imposed by a municipality or county under this section.

15 ~~*-4228/1.54*~~ SECTION 85. 341.35 (4) of the statutes is amended to read: X

16 341.35 (4) NOTICE OF FEES. The governing body of a municipality or county
17 ~~which enacts a municipal or county, and the board of directors of an authority, that~~
18 imposes a local vehicle registration fee under this section shall notify the department
19 that it has so elected and report the amount of such fee. The municipality or county,
20 or authority shall report any change in such amount to the department. The
21 notification shall be made at the time and in the form prescribed by the department.

22 ~~*-4228/1.55*~~ SECTION 86. 341.35 (5) of the statutes is amended to read: X

23 341.35 (5) PAYMENT OF FEES. At the time a motor vehicle is first registered or
24 at the time of registration renewal, the applicant shall pay to the department any fee



1 imposed by a county ~~or, municipality, or authority~~ under this section in addition to
2 fees required under this chapter.

3 ~~*-4228/1.56* SECTION 87. 341.35 (6) of the statutes is amended to read:~~ X

4 ~~341.35 (6) DEPARTMENT TO REMIT FEES TO MUNICIPALITIES AND COUNTIES.~~
5 ~~Beginning July 1, 1984, and annually thereafter, the department shall remit those~~
6 ~~moneys collected under this section, less administrative costs under sub. (6m), to any~~
7 ~~municipality or county which, or authority that has imposed a fee under this section.~~
8 ~~The department may by rule provide that the moneys be remitted at more frequent~~
9 ~~intervals if the department deems it advisable.~~

10 ~~*-4228/1.57* SECTION 88. 341.35 (6r) of the statutes is amended to read:~~ X

11 ~~341.35 (6r) USE OF FEE PROCEEDS. Any municipality or county, or authority~~
12 ~~receiving moneys under sub. (6) shall use the moneys only for transportation related~~
13 ~~purposes.~~

14 ~~*-4228/1.58* SECTION 89. 341.35 (7) of the statutes is amended to read:~~ X

15 ~~341.35 (7) REPLACEMENTS. No municipal or county local vehicle registration fee~~
16 ~~may be imposed on a motor vehicle which is a replacement for a motor vehicle for~~
17 ~~which a current municipal or county local vehicle registration fee has been paid.~~

18 ~~*-4228/1.59* SECTION 90. 341.35 (9) of the statutes is created to read:~~ X

19 ~~341.35 (9) REGIONAL TRANSIT AUTHORITY TRANSITION. If the department provides~~
20 ~~any notice specified in s. 66.1041 (7) (a), all of the following apply:~~

21 ~~(a) "Authority" in this section shall mean the southeastern regional transit~~
22 ~~authority under s. 59.58 (7) instead of an interim regional transit authority~~
23 ~~identified in any notice provided by the department under s. 66.1041 (7) (a).~~

24 ~~(b) If an interim regional transit authority created under s. 66.1041 imposed~~
25 ~~a local registration fee under this section prior to the department's notice under s.~~



1 ~~66.1041 (7) (a) identifying the interim regional transit authority, that fee shall~~
 2 ~~continue to be imposed, and the southeastern regional transit authority under s.~~
 3 ~~59.58 (7) shall be the successor to the fee, unless the board of directors of the~~
 4 ~~southeastern regional transit authority votes to modify or terminate the fee.~~

5 ***-4228/1.60* SECTION 91.** 345.05 (1) (ag) of the statutes, as created by 2009
 6 Wisconsin Act 28, is amended to read:

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

11 ***-4228/1.61* SECTION 92.** 611.11 (4) (a) of the statutes, as affected by 2009
 12 Wisconsin Act 28, is amended to read:

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

(END)

D-Note

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0377/lins
ARG:.....

SA ✓

1 **INSERT 15-2:**

2 8. a. Except as provided in subd. 8. b., after the department of transportation
3 provides the first notice specified in s. 66.1041 (7) (a), the authority may expend
4 revenues generated by the authority from sources described in s. 66.1041 (6) (a) 2.
5 only in the county in which the revenues were generated and only for purposes of
6 providing transit service or transit planning within this county. Except as provided
7 in subd. 8. b., these funds may not be expended for purposes related to the KRM
8 commuter rail line. This subdivision 8. a. does not prohibit the authority from using
9 any available revenues for payment of debt service on bonds issued under par. (f) that
10 were issued for purposes consistent with this subd. 8. a. ✓

11 b. The authority may expend revenues generated by the authority from sources
12 described in s. 66.1041 (6) (a) 2., notwithstanding the provisions of subd. 8. a., if the
13 board of directors of the authority determines that it is in the best interest of the
14 regional transit system to do so. ✓

15 **INSERT 15-19:** ✓

16 (no H) housing authority created under s. 66.1201, redevelopment authority created
17 under s. 66.1333, community development authority created under s. 66.1335, ✓

18 **INSERT 25-13:**

19 (no H) A political subdivision may not create or join an authority under this subsection
20 if the political subdivision is located in southeast Wisconsin, as defined in s. 66.1041 ✓
21 (1) (h), or if the political subdivision is eligible to be a participating political
22 subdivision in any authority authorized under sub. (2). ✓

1 **INSERT 26-3:**

2 (no ~~it~~) and except that no new referendum under par. (e) is required ✓ ✓

3
4 **INSERT 31-24:** ✓

5 **SECTION 1.** 66.1039 (4) (s) 7. of the statutes is created to read: ✓

6 66.1039 (4) (s) 7. Notwithstanding subd. 1., an authority created under sub.
7 (2g) may not impose the taxes authorized under subd. 1. unless the authorizing
8 resolutions under sub. (2g) (b) and, if applicable, sub. (2g) (c), as well as the
9 referendum question on the referendum ballot specified in sub. (2g) (e), each clearly
10 identifies the maximum rate of the taxes that may be imposed by the authority under
11 subd. 1. ✓ ✓

12
13 **INSERT 39-10:**

14 (em) No resolution under par. (a) or (b) is effective unless it is ratified by the ✓ ✓
15 electors at a referendum held in the political subdivision. The referendum question
16 on the referendum ballot shall include the information specified in par. (c) 2., as ✓
17 stated in or summarized from the resolution approved by the governing body of the
18 political subdivision.

19 **INSERT 40-12:**

20 4. The amendment or modification under this paragraph of an existing
21 resolution previously ratified ^{at a referendum} under par. (em) is not required to be ratified ~~again after~~
22 ~~the amendment or modification~~ at a referendum ✓

23

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0377/1dn
ARG:cjs:md

March 31, 2010

ATTN: Carla McDonald

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

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

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

With regard to the specific drafting instructions:

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

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

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

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

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

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

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

3/31

t/c w/ Cathy - Rep. Barca

6-5504

- talk to Geoff for changes

t/c w/ Geoff Gaston

10 AM hearing

- 4 changes

1. ~~IRTA~~ IRTA : by resolutions →
ref. for sales tax
* same as AB-723 (reverse change in sub)
2. take out Hotel TAX

3. ~~Maion~~ Maion : Briggsby sub mechanism
~~at Maion~~

- city of Kenosha & Racine →

if they form an IRTA
they would be eligible
for the 2.5 million

(CASA 2 to AB723, bill section 21)

4. Fox Cities :

- property taxes - should show on property tax bill
- change to show up on tax bill for Fox Valley part & also on ~~IRTA~~ IRTA

3/31 t/c w/ Carla - also on p. 15, line 24 - unanimous
consent - similar to p. 15, line 11

Gary, Aaron

From: Gary, Aaron
Sent: Wednesday, March 31, 2010 4:15 PM
To: Gaston, Geoff
Cc: McDonald, Carla; Friedl, Cathy
Subject: RE: LRB 09s0377 Topic: Regional transit authorities; interim regional transit authorities; the southeastern regional transit authority; combining portions of other proposals, with modifications

FYI, I'm not sure that this total of \$5M is actually funded under the draft (both ASA2 and s0377), at least not in the near future. If you want to know more about that, you'd probably need to talk to LFB / Al Runde.

From: Gary, Aaron
Sent: Wednesday, March 31, 2010 4:06 PM
To: Gaston, Geoff
Cc: McDonald, Carla; Friedl, Cathy
Subject: FW: LRB 09s0377 Topic: Regional transit authorities; interim regional transit authorities; the southeastern regional transit authority; combining portions of other proposals, with modifications

Geoff,

On this redraft, I need to clarify the item of the incentives from the Grigsby/Mason sub (ASA2 to AB723).

If the city of Kenosha and/or the city of Racine form an IRTA, would the \$2.5 M incentive funds go to the city (not the IRTA)? Also, any IRTA is *eligible* for incentive funds under s0377 subject to certain criteria. ASA2 would *require* SERTA to provide \$2.5 M in incentive funds to these two cities. Do you want to mandate the payment of incentive funds, or just make these two cities "eligible" (notwithstanding the eligibility criteria in s0377)?

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

t/c w/ Geoff, ← Carla 3/31

- funds to each city, not to IRTA

o "eligible", not mandatory; but also not subject to "normal" criteria

From: Parisi, Lori
Sent: Wednesday, March 31, 2010 10:02 AM
To: Gary, Aaron
Subject: LRB 09s0377 Topic: Regional transit authorities; interim regional transit authorities; the southeastern regional transit authority; combining portions of other proposals, with modifications

Draft Requester: Peter Barca

The attached proposal has been jacketed for introduction.

<< File: LRB s0377_1 >> << File: LRB s0377/1 >>