



State of Wisconsin
2009 - 2010 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 282

Page Cut

1 AN ACT to repeal 59.58 (6); to renumber 66.0615 (1) (a); to amend 32.02 (11),
2 32.05 (1) (a), 32.07 (2), 40.02 (28), 59.58 (7) (a) 1., 59.58 (7) (b), 59.58 (7) (c) 1.
3 (intro.), 59.58 (7) (d), 59.58 (7) (e) 2., 59.58 (7) (f) 2., 59.58 (7) (f) 4., 59.58 (7) (g),
4 59.58 (7) (i), 66.0301 (1) (a), 66.0615 (1m) (a), 66.0903 (1) (d), 66.1039 (1) (i),
5 66.1039 (2) (title), 66.1039 (3) (title), 66.1039 (3) (g) 4., 66.1039 (4) (intro.),
6 66.1039 (4) (b) (intro.), 66.1039 (4) (e), 66.1039 (4) (f), 66.1039 (5) (a), 66.1039
7 (6) (a), 66.1039 (9) (g), 66.1039 (13) (intro.), 66.1039 (14), 70.11 (2), 71.26 (1) (b),
8 77.54 (9a) (er), 77.708 (1), 77.708 (2), 77.9971 (1), 85.063 (3) (b) 1., 85.064 (1) (b),
9 85.11 (1) (a), 85.20 (4m) (a) (intro.), 85.20 (4m) (a) 6. e., 85.20 (4s), 111.70 (1) (j),
10 345.05 (1) (ag) and 611.11 (4) (a); and to create 19.42 (7w) (e), 20.395 (1) (hy),
11 59.58 (7) (a) 2m., 59.58 (7) (a) 4., 5. and 6., 59.58 (7) (c) 1. h. and i., 59.58 (7) (e)
12 3., 59.58 (7) (k), 59.58 (7) (L), 59.58 (7) (m), 59.58 (7) (n), 66.0615 (1) (ad), 66.0615
13 (1) (ge), 66.0615 (1m) (ee), 66.0615 (1m) (em), 66.1039 (1) (j), 66.1039 (2) (d),

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

3 **32.02 (11)** Any housing authority created under ss. 66.1201 to 66.1211;
4 redevelopment authority created under s. 66.1333; community development
5 authority created under s. 66.1335; local cultural arts district created under subch.
6 V of ch. 229, subject to s. 229.844 (4) (c); local exposition district created under subch.
7 II of ch. 229; or 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 **SECTION 5.** 32.05 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
11 is amended to read:

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

1 distribution facilities, mass transit facilities, airport, or other transportation
2 facilities, gas or leachate extraction systems to remedy environmental pollution from
3 a solid waste disposal facility, housing project, redevelopment project, cultural arts
4 facilities, exposition center or exposition center facilities which shall be known as the
5 relocation order. This order shall include a map or plat showing the old and new
6 locations and the lands and interests required. A copy of the order shall, within 20
7 days after its issue, be filed with the county clerk of the county wherein the lands are
8 located or, in lieu of filing a copy of the order, a plat may be filed or recorded in
9 accordance with s. 84.095.

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

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

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

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

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

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

19 59.58 (7) (a) 1. ~~“Authority”~~ Except as used in subd. 2m., “authority” means the
20 southeastern regional transit authority created under this subsection.

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

22 59.58 (7) (a) 2m. “Interim regional transit authority” means an authority
23 created under s. 66.1041.

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

1 59.58 (7) (a) 4. "Participating political subdivision" means a political
2 subdivision that has adopted a resolution creating an interim regional transit
3 authority or joining an established interim regional transit authority.

4 5. "Political subdivision" has the meaning given in s. 66.1041 (1) (f).

5 6. "Southeast Wisconsin" has the meaning given in s. 66.1041 (1) (h).

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

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

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

17 59.58 (7) (c) 1. (intro.) The powers of the authority shall be vested in its board
18 of directors, ~~consisting which, except as provided in par. (n) 5., shall consist of the~~
19 following members:

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

21 59.58 (7) (c) 1. h. One member from any city with a population of more than
22 60,000, other than a city identified in subd. 1. b., 1. d., or 1. f., that is a participating
23 political subdivision in an interim regional transit authority, appointed by the mayor
24 of the city.

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

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

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

10 **SECTION 16.** 59.58 (7) (e) 2. of the statutes, as created by 2009 Wisconsin Act
11 28, is amended to read:

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

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

18 59.58 (7) (e) 3. Provide incentive funds to any interim regional transit authority
19 in compliance with the requirements specified in par. (L). No incentive funds may
20 be provided under this subdivision after June 30, 2011.

21 **SECTION 18.** 59.58 (7) (f) 2. of the statutes, as created by 2009 Wisconsin Act
22 28, is amended to read:

23 59.58 (7) (f) 2. The authority may issue bonds in an aggregate principal amount
24 not to exceed ~~\$50,000,000~~ \$250,000,000, excluding bonds issued to refund
25 outstanding bonds issued under this subdivision, for the purpose of providing funds

1 for the anticipated local funding share required for initiating KRM commuter rail
2 line service and, if applicable, for the purposes specified in par. (n) 6.

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

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

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

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

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

17 59.58 (7) (i) The authority is the only entity in ~~the counties of Milwaukee,~~
18 ~~Racine, and Kenosha~~ southeast Wisconsin that may submit an application for
19 funding to the federal transit administration in the U.S. department of
20 transportation under the federal new starts grant program ~~for funding for the KRM~~
21 ~~commuter rail line.~~ Upon receiving any application for federal funds described in s.
22 66.1041 (5), the authority shall promptly submit the application to the appropriate
23 federal agency for consideration.

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

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

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

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

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

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

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

23 3. In evaluating and awarding incentive funding under this paragraph, the
24 board of directors of the southeastern regional transit authority shall apply uniform

1 criteria to all applicants. The board shall consider all of the following factors in
2 evaluating applications by interim regional transit authorities for incentive funds:

3 a. The number of participating political subdivisions in the interim regional
4 transit authority.

5 b. All funding sources providing revenue to the interim regional transit
6 authority.

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

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

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

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

15 59.58 (7) (m) 1. Beginning on July 1, 2011, from the aids received by the
16 authority under s. 85.20 (4m) (a) 6. f., the authority shall provide incentive funds to
17 interim regional transit authorities to assist interim regional transit authorities in
18 providing transit service in their jurisdictional areas.

19 2. The bylaws of the southeastern regional transit authority shall specify a
20 method for determining the amount of incentive funding provided under this
21 paragraph. Incentive funds provided under this paragraph shall be subject to the
22 same requirements and limitations specified in par. (L) 2. and 3. for incentive funds
23 provided under that paragraph, and the bylaws described in this subdivision shall
24 include the same information specified in par. (L) 4. for incentive funds provided
25 under that paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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24 b. ~~The~~ authority may expend revenues generated by the authority from sources
25 described in s. 66.1041 (6) (a) ¹ notwithstanding the provisions of subd. 8. a., if the ✓

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1 board of directors of the authority determines that it is in the best interest of the ✓
2 regional transit system to do so.

3 **SECTION 26.** 66.0301 (1) (a) of the statutes, as affected by 2009 Wisconsin Act
4 112, 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, housing authority created under s. 66.1201,
20 redevelopment authority created under s. 66.1333, community development
21 authority created under s. 66.1335, or city-county health department.

22 ~~**SECTION 27.** 66.0615 (1) (a) of the statutes is renumbered 66.0615 (1) (ah). X~~
23 ~~**SECTION 28.** 66.0615 (1) (ad) of the statutes is created to read:~~
24 ~~66.0615 (1) (ad) "Authority" has the meaning given in s. 66.1041 (1) (a) for an X~~
25 ~~interim regional transit authority.~~

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1 **SECTION 29.** 66.0615 (1) (ge) of the statutes is created to read:

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

4 **SECTION 30.** 66.0615 (1m) (a) of the statutes is amended to read:

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

21 **SECTION 31.** 66.0615 (1m) (ee) of the statutes is created to read:

22 66.0615 (1m) (ee) 1. An authority may adopt a resolution imposing a room tax
23 under par. (a) in an amount not to exceed 2 percent of total room charges. A room
24 tax imposed by an authority under this subdivision applies within the authority's

1 jurisdiction, as specified in s. 66.1041 (2) (d), and the proceeds of the tax may be used
2 for any lawful purpose of the authority.

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

7 3. The department of revenue shall administer the tax that is imposed under
8 par. (a) by an authority and may take any action, conduct any proceeding, and impose
9 interest and penalties. Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (3),
10 (4), (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60,
11 77.61 (2), (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under
12 subch. III of ch. 77, apply to the tax described under subd. 1.

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

24 **SECTION 32.** 66.0615 (1m) (em) of the statutes is created to read:

X




1 66.0615 (1m) (em) 1. Following the completion of a winding down, dissolution,
2 and transition process described in s. 66.1041 (7), and a transit authority becoming
3 the successor to the authorities that were created under s. 66.1041 and that have
4 been identified in a notice under s. 66.1041 (7) (a), and following a transit authority's
5 assumption of responsibility for providing transit service and transit planning as
6 described in s. 59.58 (7) (n) 2., a transit authority may adopt a resolution imposing
7 a room tax under par. (a) in an amount not to exceed 2 percent of total room charges.
8 A room tax imposed by a transit authority under this subdivision applies within the
9 authority's jurisdiction, as specified in subd. 2., and the proceeds of the tax may be
10 used for any lawful purpose of the transit authority.

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

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

21 3. Each time the transit authority adopts a resolution to impose the taxes under
22 subd. 1., or adopts a resolution to discontinue the collection of such taxes, it shall
23 deliver a certified copy of the resolution to the secretary of revenue at least 120 days
24 before its effective date. Each time the transit authority adopts a resolution as
25 provided in subd. 1., it shall specify to the department of revenue the exact



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

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

17 **SECTION 33.** 66.0903 (1) (d) of the statutes, as affected by 2009 Wisconsin Act
18 28, is amended to read:

19 66.0903 (1) (d) "Local governmental unit" means a political subdivision of this
20 state, a special purpose district in this state, an instrumentality or corporation of
21 such a political subdivision or special purpose district, a combination or subunit of
22 any of the foregoing or an instrumentality of the state and any of the foregoing.
23 "Local governmental unit" includes a regional transit authority created under s.
24 66.1039, an interim regional transit authority created under s. 66.1041, and the
25 southeastern regional transit authority created under s. 59.58 (7).

1 **SECTION 34.** 66.1039 (1) (i) of the statutes, as created by 2009 Wisconsin Act
2 28, is amended to read:

3 66.1039 (1) (i) “Transportation system” means all land, shops, structures,
4 equipment, property, franchises, and rights of whatever nature required for
5 transportation of passengers within the jurisdictional area of the authority and, ~~only~~
6 ~~to the extent specifically authorized under this section,~~ outside the jurisdictional
7 area of the authority except, with respect to an authority created under sub. (2), it
8 applies outside the jurisdictional area of the authority only to the extent specifically
9 authorized under this section. “Transportation system” includes elevated railroads,
10 subways, underground railroads, motor vehicles, motor buses, and any combination
11 thereof, and any other form of mass transportation, but does not include
12 transportation excluded from the definition of “common motor carrier” under s.
13 194.01 (1) or charter or contract operations to, from, or between points that are
14 outside the jurisdictional area of the authority.

15 **SECTION 35.** 66.1039 (1) (j) of the statutes is created to read:

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

19 **SECTION 36.** 66.1039 (2) (title) of the statutes, as created by 2009 Wisconsin Act
20 28, is amended to read:

21 66.1039 (2) (title) CREATION OF ~~TRANSIT AUTHORITIES~~ CERTAIN TRANSIT
22 AUTHORITIES.

23 **SECTION 37.** 66.1039 (2) (d) of the statutes is created to read:

24 66.1039 (2) (d) *Fox Cities regional transit authority.* 1. The Fox Cities regional
25 transit authority, a public body corporate and politic and a separate governmental

1 entity, is created if the governing body of any 2 or more municipalities located in
2 whole or in part within the urbanized Fox Cities metropolitan planning area adopt
3 a resolution authorizing the municipality to become a member of the authority and
4 each resolution is ratified by the electors at a referendum held in the municipality
5 at a spring election. Except as provided in subds. 2. and 3., once created, this
6 authority shall consist of all municipalities that adopt a resolution ratified at a
7 referendum, as provided in this subdivision. Once created, this authority may
8 transact business and exercise any powers granted to it under this section.

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

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

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

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

10 **SECTION 38.** 66.1039 (2g) of the statutes is created to read:

11 66.1039 (2g) CREATION OF OTHER TRANSIT AUTHORITIES. (a) In this subsection:

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

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

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

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

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

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

13 1. The name of the authority and a description or map of its jurisdictional area.

14 2. The purpose of the authority and the functions or services to be provided by
15 the authority.

16 3. The powers, duties, and limitations of the authority.

17 4. The establishment and organization of a board of directors, in which all
18 powers of the authority shall be vested. The resolution may permit the board of
19 directors to create an executive committee of the board of directors to assist the board
20 of directors in exercising its powers and duties, but these powers and duties may be
21 carried out only by action of the board in compliance with subd. 7.

22 5. The number of directors, the manner of their appointment, the required
23 representation, if any, for each participating political subdivision and city, village, or
24 town within a county jurisdictional area designated under sub. (2r) (a) 2. or 3., the

1 terms of their office, their compensation, if any, and the procedure for filling
2 vacancies on the board of directors.

3 6. The manner of selection of the officers of the authority and their powers,
4 duties, and limitations.

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

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

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

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

22 11. A transit plan or previously approved transit plan for the authority or
23 reference to a transit plan or previously approved transit plan set forth in detail
24 elsewhere. A transit plan under this subdivision shall provide opportunity for public
25 involvement in the transit plan development process.

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

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

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

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

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) and except that no new
4 referendum under par. (e) is required. Any such amendment or modification of the
5 original resolutions creating or joining the authority does not create a new authority
6 unless specifically provided otherwise in the amendment or modification, even if the
7 amendment or modification is undertaken for the purpose of including additional
8 participating political subdivisions in the authority.

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

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

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

23 b. All of the geographic area of the municipality that is within the county that
24 withheld approval is included within the jurisdictional area of an authority within
25 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 **SECTION 39.** 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 **SECTION 40.** 66.1039 (3) (title) of the statutes, as created by 2009 Wisconsin Act
7 28, is amended to read:

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

10 **SECTION 41.** 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 **SECTION 42.** 66.1039 (3) (g) 4. of the statutes, as created by 2009 Wisconsin Act
22 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).