

1 **SECTION 43.** 66.1039 (4) (intro.) of the statutes, as created by 2009 Wisconsin
2 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 **SECTION 44.** 66.1039 (4) (b) (intro.) of the statutes, as created by 2009 Wisconsin
8 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 **SECTION 45.** 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 **SECTION 46.** 66.1039 (4) (e) of the statutes, as created by 2009 Wisconsin Act
5 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 **SECTION 47.** 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 **SECTION 48.** 66.1039 (4) (f) of the statutes, as created by 2009 Wisconsin Act
13 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 **SECTION 49.** 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 **SECTION 50.** 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 **SECTION 51.** 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.

25 **SECTION 52.** 66.1039 (4) (s) 7. of the statutes is created to read:

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

7 **SECTION 53.** 66.1039 (5) (a) of the statutes, as created by 2009 Wisconsin Act
8 28, is amended to read:

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

17 **SECTION 54.** 66.1039 (5) (d) of the statutes is created to read:

18 66.1039 (5) (d) An authority created under sub. (2g) must revise its transit plan
19 under sub. (2g) (d) 11. at least once every 5 years.

20 **SECTION 55.** 66.1039 (6) (a) of the statutes, as created by 2009 Wisconsin Act
21 28, is amended to read:

22 66.1039 (6) (a) An authority acquiring a comprehensive unified local
23 transportation system for the purpose of the authority's operation of the system, or
24 if the authority is created under sub. (2g) for the purpose of the authority's operation
25 or superintendence of the system, shall assume all of the employer's obligations

1 under any contract between the employees and management of the system to the
2 extent allowed by law.

3 **SECTION 56.** 66.1039 (7) (d) of the statutes is created to read:

4 66.1039 (7) (d) Except with respect to refunding bonds under sub. (10), bond
5 proceeds may be used only for capital expenditures related to the acquisition of
6 transportation system equipment having a useful life of at least 5 years. This
7 paragraph does not apply to expenditures made for the acquisition of all or part of
8 an existing transportation system.

9 **SECTION 57.** 66.1039 (9) (g) of the statutes, as created by 2009 Wisconsin Act
10 28, is amended to read:

11 66.1039 (9) (g) ~~Covenant~~ Subject to sub. (7) (d) with respect to an authority
12 created under sub. (2g), covenant as to the purposes to which the proceeds from the
13 sale of any bonds may be applied, and as to the pledge of such proceeds to secure the
14 payment of the bonds.

15 **SECTION 58.** 66.1039 (13) (intro.) of the statutes, as created by 2009 Wisconsin
16 Act 28, is amended to read:

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

23 **SECTION 59.** 66.1039 (13m) of the statutes is created to read:

1 66.1039 (13m) WITHDRAWAL FROM OTHER AUTHORITIES. (a) A participating
2 political subdivision may withdraw from an authority created under sub. (2g) if all
3 of the following conditions are met:

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

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

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

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

21 (a) 3. Nothing in this paragraph prohibits an authority created under sub. (2g) from
22 changing the manner and extent to which it provides services, including in the
23 withdrawing political subdivision, as long as the services provided in the
24 withdrawing political subdivision remain comparable to those provided in the
25 remaining political subdivisions while the tax continues to be levied in the

1 withdrawing political subdivision. The remaining political subdivisions may choose
2 to increase the tax under sub. (4) (s) and are not required to extend the additional
3 services provided by such additional tax to the withdrawing political subdivision if
4 the additional tax is not also collected in the withdrawing political subdivision.

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

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

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

16 **SECTION 60.** 66.1039 (14) of the statutes, as created by 2009 Wisconsin Act 28,
17 is amended to read:

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

21 **SECTION 61.** 66.1039 (15) of the statutes is created to read:

22 66.1039 (15) DISSOLUTION OF CERTAIN AUTHORITIES. An authority created under
23 sub. (2g) may be dissolved if the authority adopts a resolution dissolving the
24 authority. Dissolution of an authority is subject to the resolution provisions specified
25 in sub. (2g) (d) 12. Dissolution of an authority may not occur until all outstanding

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

9 **SECTION 62.** 66.1041 of the statutes is created to read:

10 **66.1041 Interim regional transit authorities.** (1) DEFINITIONS. In this
11 section:

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

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

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

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

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

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

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

1 (h) "Southeast Wisconsin" means the geographical area comprising the
2 counties of Kenosha, Milwaukee, Ozaukee, Washington, Racine, Walworth and
3 Waukesha.

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

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

21 (b) 1. Subject to pars. (e), (em) and (f), and except as provided in subd. 2., if an
22 authority has been created under par. (a), a political subdivision may join the
23 authority if the governing body of the political subdivision adopts a resolution
24 identical to the existing resolutions of the authority's participating political
25 subdivisions or, if the authority is created by a single political subdivision, identical

1 to the existing resolution of the authority's participating political subdivision, and
2 if the authority's board of directors adopts a resolution allowing the political
3 subdivision to join the authority. For purposes of determining whether a resolution
4 adopted under this subdivision is identical to an existing resolution of the authority,
5 both the resolutions adopted under par. (a) to create the authority and any
6 modifications to those resolutions under par. (g) shall be considered.

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

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

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

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

24 (d) The jurisdictional area of an authority is the geographic area formed by the
25 combined territorial boundaries of all participating political subdivisions of the

1 authority. If the authority includes a county as a participating political subdivision,
2 the jurisdictional area of the authority is the territorial boundaries of the county.

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

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

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

13 2.

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

21 (g) 1. Subject to subds. 2, ^{and 3.} ~~(to 4)~~, if an authority has been created under this
22 subsection, the participating political subdivisions of the authority may amend or
23 modify their resolutions creating or joining the authority if, after any amendment or
24 modification, the resolutions of all participating political subdivisions of the

1 authority remain identical and continue to satisfy the requirements under this
2 subsection.

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

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

22 ~~4. The amendment or modification under this paragraph of an existing~~
23 ~~resolution previously ratified at a referendum under par. (em) is not required to be~~
24 ~~ratified at a referendum.~~ X

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

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

10 1. The board of directors shall consist of at least 5 members and not more than
11 9 members.

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

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

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

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

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

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

1 d. One member from the authority's jurisdictional area, appointed by the
2 governor.

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

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

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

13 (b) Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch.
14 59 or 85, in addition to the duties specified in par. (a), an authority may do any of the
15 following:

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

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

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

23 (5) FEDERAL AND STATE AID; INCENTIVE FUNDS. Any application by an authority
24 for federal or state funding shall first be submitted to the southeastern regional
25 transit authority, which shall then provide the application to the appropriate federal

1 or state agency. If the application results in the receipt of any federal or state funds,
2 those federal or state funds shall first be received by the southeastern regional
3 transit authority, which shall then forward the funds to the authority that provided
4 the application.

5 (6) AUTHORITY REVENUE REQUIREMENTS. (a) An authority may generate revenue
6 by doing any of the following, except that an authority that includes Milwaukee
7 County may generate revenue only as provided in subd. ¹ 2.:

8 ~~1. Levying a room tax.~~

9 ¹ 2. a. Imposing, by the adoption of a resolution by the board of directors, the
10 taxes under s. 77.708, except that no authority may adopt such a resolution until a
11 referendum is held in the authority's jurisdictional area on the question of whether
12 the authority may impose the taxes under s. 77.708 and the referendum is decided
13 in the affirmative. For purposes of an authority that has Milwaukee County as the
14 boundaries of its jurisdictional area, the referendum for imposing sales and use taxes
15 for transit purposes that was approved in 2008 in Milwaukee County satisfies the
16 referendum requirement of this subd. ¹ 2. a. If an authority adopts a resolution to
17 impose the taxes, it shall deliver a certified copy of the resolution to the department
18 of revenue at least 120 days before its effective date. The authority may, by adoption
19 of a resolution by the board of directors, repeal the imposition of the taxes under s.
20 77.708 and shall deliver a certified copy of the repeal resolution to the department
21 of revenue at least 120 days before its effective date.

22 b. If the authority adopts a resolution as provided in subd. ¹ 2. a., it shall specify
23 to the department of revenue the exact boundaries of the authority's jurisdictional
24 area. If the boundaries are the same as the county lines on all sides of the authority's
25 jurisdictional area, the resolution shall specify the county or counties that comprise

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

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

19 ² b. Charging a membership fee to the participating political subdivisions of the x
20 authority.

21 (b) An authority shall generate revenue equal to the amount required by pars.
22 (c) and (d). This minimum revenue requirement may be met through funding from
23 one or a combination of revenue sources identified by resolution under sub. (2) (c) 2.,
24 including any revenue option under par. (a) except that an authority that includes
25 Milwaukee County may not generate revenue as provided in par. (a) ¹ or 3. ✓

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

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

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

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

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

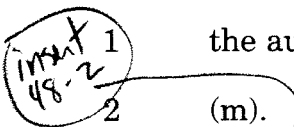
1 3. Every 2 years after an authority is created under this section, the
2 department shall determine and certify whether the authority has met the
3 requirements specified in this paragraph. In making this determination, the
4 department shall calculate, and make publicly available, the dollar amount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

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

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

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

24 (e) 1. Subject to subd. 3., if an authority does not meet the requirements
25 specified in pars. (c) 1. and (d) within the time limits specified in those provisions,

1 the authority is not eligible for incentive funding provided under s. 59.58 (7) (L) or
2 (m). 

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

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

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

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

13 1. The assets and liabilities of the authority shall become the assets and
14 liabilities of the southeastern regional transit authority.

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

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

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

24 **SECTION 63.** 70.11 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is
25 amended to read:

1 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.

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

17 **SECTION 64.** 71.26 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,
18 is amended to read:

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

24 **SECTION 65.** 77.54 (9a) (er) of the statutes, as created by 2009 Wisconsin Act
25 28, is amended to read:

✓
Insert
50-23 23
→

1 77.54 (9a) (er) Any transit authority created under s. 59.58 (7) ~~or~~, 66.1039, or
2 66.1041.

3 **SECTION 66.** 77.708 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
4 section 1858b, is amended to read:

5 77.708 (1) A transit authority created under s. 59.58, 66.1039, or 66.1041, by
6 resolution under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) ¹~~2.~~, respectively, ✓
7 may impose a sales tax and a use tax under this subchapter at a rate not to exceed
8 0.5 percent of the sales price or purchase price or, if lower and the transit authority
9 is created under s. 66.1039 (2g), at a rate not to exceed the maximum rate established
10 by resolution under s. 66.1039 (2g) (d) 10. Those taxes may be imposed only in their
11 entirety. The resolution shall be effective on the first day of the first calendar quarter
12 that begins at least 120 days after the adoption of the resolution.

13 **SECTION 67.** 77.708 (2) of the statutes, as created by 2009 Wisconsin Act 28, is
14 amended to read:

15 77.708 (2) Retailers and the department of revenue may not collect a tax under
16 sub. (1) for any transit authority created under s. 59.58, 66.1039, or 66.1041, after
17 the calendar quarter during which the transit authority adopts a repeal resolution
18 under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) 2. or (e) ¹~~2.~~, respectively, or, ✓
19 if the transit authority is created under s. 66.1039 (2g), the transit authority
20 dissolves as provided under s. 66.1039 (15), except that the department of revenue
21 may collect from retailers taxes that accrued before such calendar quarter and fees,
22 interest, and penalties that relate to those taxes.

23 **SECTION 68.** 77.9971 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
24 is amended to read:

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

14 **SECTION 69.** 85.063 (3) (b) 1. of the statutes, as affected by 2009 Wisconsin Act
15 28, is amended to read:

16 85.063 (3) (b) 1. Upon completion of a planning study under sub. (2), or, to the
17 satisfaction of the department, of a study under s. 85.022, a political subdivision in
18 a county, or a transit authority created under s. 66.1039 or 66.1041 and the
19 southeastern regional transit authority under s. 59.58 (7) to the extent it is the
20 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041, that
21 includes the urban area may apply to the department for a grant for property
22 acquisition for an urban rail transit system.

23 **SECTION 70.** 85.064 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,
24 is amended to read:

1 85.064 (1) (b) “Political subdivision” means any city, village, town, county,
2 transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.
3 66.0301, or transit authority created under s. 66.1039 or 66.1041 within this state
4 or the southeastern regional transit authority under s. 59.58 (7).

5 **SECTION 71.** 85.11 (1) (a) of the statutes, as created by 2009 Wisconsin Act 28,
6 is amended to read:

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

10 **SECTION 72.** 85.20 (4m) (a) (intro.) of the statutes, as affected by 2009 Wisconsin
11 Act 28, is amended to read:

12 85.20 (4m) (a) (intro.) The department shall pay annually to the eligible
13 applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The
14 department shall pay annually to the eligible applicant described in subd. 6. d. the
15 amount of aid specified in subd. 6. d. The department shall allocate an amount to
16 each eligible applicant described in subd. 6. e., 6. f., 7., or 8. to ensure that the sum
17 of state and federal aids for the projected operating expenses of each eligible
18 applicant’s urban mass transit system is equal to a uniform percentage, established
19 by the department, of the projected operating expenses of the mass transit system
20 for the calendar year. The department shall make allocations as follows:

21 **SECTION 73.** 85.20 (4m) (a) 6. e. of the statutes, as created by 2009 Wisconsin
22 Act 28, is amended to read:

23 85.20 (4m) (a) 6. e. From the appropriation under s. 20.395 (1) (hw), the
24 department may pay the uniform percentage for each eligible applicant for a planned
25 commuter or light rail system that has been enumerated under s. 85.062 (3). An

1 eligible applicant may not receive aid under subd. 6. cm. or d., 7., or 8. for a commuter
2 rail or light rail transit system.

3 **SECTION 74.** 85.20 (4m) (a) 6. f. of the statutes is created to read:

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

7 **SECTION 75.** 85.20 (4s) of the statutes, as affected by 2009 Wisconsin Act 28,
8 is amended to read:

9 85.20 (4s) PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed
10 between the department and eligible applicants under this section shall provide that
11 the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the
12 state's fiscal year shall be provided from the following fiscal year's appropriation
13 under s. 20.395 (1) (hr), (hs), (ht), (hu), ~~or~~ (hw), or (hy).

14 **SECTION 76.** 111.70 (1) (j) of the statutes, as affected by 2009 Wisconsin Act 28,
15 is amended to read:

16 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
17 metropolitan sewerage district, school district, long-term care district, transit
18 authority under s. 59.58 (7) ~~or~~, 66.1039, or 66.1041, or any other political subdivision
19 of the state, or instrumentality of one or more political subdivisions of the state, that
20 engages the services of an employee and includes any person acting on behalf of a
21 municipal employer within the scope of the person's authority, express or implied,
22 but specifically does not include a local cultural arts district created under subch. V
23 of ch. 229.

24 **SECTION 77.** 345.05 (1) (ag) of the statutes, as created by 2009 Wisconsin Act
25 28, is amended to read:

Use 2x7

and notwithstanding any provision of subd. 1. relating to the proper recipient of incentive funding under this paragraph

1 **INSERT 10-13:**

2 5. Notwithstanding any requirement or limitation specified in subds. 2. to 4.
3 or the authority's bylaws relating to evaluating, awarding, or providing incentive
4 funding under this paragraph, if the city of Kenosha is a participating political
5 subdivision in an interim regional transit authority, the city of Kenosha shall be
6 eligible for incentive funds in a total amount of \$2,500,000 provided under this
7 paragraph or par. (m). Notwithstanding any requirement or limitation specified in
8 subds. 2. to 4. or the authority's bylaws relating to evaluating, awarding, or providing
9 incentive funding under this paragraph, if the city of Racine is a participating
10 political subdivision in an interim regional transit authority, the city of Racine shall
11 be eligible for incentive funds in a total amount of \$2,500,000 provided under this
12 paragraph or par. (m).

13
14 **INSERT 10-25:**

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

1 notwithstanding any provision of subd. 1. relating to the purpose or proper recipient
2 of incentive funding under this paragraph, if the city of Racine is a participating
3 political subdivision in an interim regional transit authority, the city of Racine shall
4 be eligible for incentive funds in a total amount of \$2,500,000 provided under this
5 paragraph or par. (L).

6

7 **INSERT 15-24:**

8 (no A) By unanimous vote of its full authorized membership, the board of directors of ✓
9 the

10

11

INSERT 48-2:

e This

12

(no A) (The) subdivision does not apply with respect to incentive funds specified in s.
13 59.58 (7) (L) 5. and (m) 3. ✓ ✓

14

15

INSERT 50-23:

16

SECTION 1. 74.09 (3) (dn) of the statutes is created to read: ✓ ✗

17

74.09 (3) (dn) Indicate the proportionate amount of the property taxes levied

18

for transit purposes that were removed from the levy as a result of the taxes imposed

19

under s. 66.1039 (4) (s) 1. by a regional transit authority created under s. 66.1039 (2)

20

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

21

created under s. 66.1041. ✓

22

<use 2x>

and notwithstanding any provision of subd. 1. relating to the proper recipient of incentive funding under this paragraph.

- 1 b. All funding sources providing revenue to the interim regional transit
- 2 authority.
- 3 c. The long-term transit goals for the interim regional transit authority.
- 4 d. Whether the interim regional transit authority has satisfied any of the
- 5 requirements under s. 66.1041 (6) (c) and (d) ahead of schedule.
- 6 4. The bylaws of the southeastern regional transit authority shall specify a
- 7 minimum amount of revenue that must be generated by an interim regional transit
- 8 authority from all sources identified in s. 66.1041 (2) (c) 2. in order to obtain incentive
- 9 funding under this paragraph.
- 10 5. Notwithstanding any requirement or limitation specified in subds. 2. to 4.
- 11 or the authority's bylaws relating to evaluating, awarding, or providing incentive
- 12 funding under this paragraph, if the city of Kenosha is a participating political
- 13 subdivision in an interim regional transit authority, the city of Kenosha shall be
- 14 eligible for incentive funds in a total amount of \$2,500,000 provided under this
- 15 paragraph or par. (m). Notwithstanding any requirement or limitation specified in
- 16 subds. 2. to 4. or the authority's bylaws relating to evaluating, awarding, or providing
- 17 incentive funding under this paragraph, if the city of Racine is a participating
- 18 political subdivision in an interim regional transit authority, the city of Racine shall
- 19 be eligible for incentive funds in a total amount of \$2,500,000 provided under this
- 20 paragraph or par. (m).

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

22 59.58 (7) (m) 1. Beginning on July 1, 2011, from the aids received by the
23 authority under s. 85.20 (4m) (a) 6. f., the authority shall provide incentive funds to
24 interim regional transit authorities to assist interim regional transit authorities in
25 providing transit service in their jurisdictional areas.