

2009 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB282)

Received: 04/20/2010

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Robin Vos (608) 266-9171**

By/Representing: **Jenny Toftness**

May Contact:

Drafter: **agary**

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

Addl. Drafters:

Extra Copies: **JK**

Submit via email: **YES**

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

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

Pre Topic:

No specific pre topic given

Topic:

Regional transit authorities, item 12, bonding

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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	agary 04/20/2010	bkraft 04/20/2010		_____			
/2			jfrantze 04/20/2010	_____	lparisi 04/20/2010	lparisi 04/20/2010	

FE Sent For:

<END>

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12 bjk 4/20 *Jb* 4/20
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/?	agary	/1 bjk 4/20		4/20			

FE Sent For:

<END>

608.261.6926 (voice)
 608.264.6948 (fax)
 aaron.gary@legis.state.wi.us

From: Toftness, Jennifer
Sent: Tuesday, April 20, 2010 9:55 AM
To: Gary, Aaron
Subject: Request for amendments to RTA

Hi Aaron,

Robin and I met with Scott Grosz this morning about the RTA bill and Robin has come up with a list of amendments that I am submitting at this time. Feel free to ask me any questions, or you can also ask Scott, as he was present and understands Robin's intent on all of them and also has a much better idea of what parts of the statutes needs to be addressed.

1. Remove Ozaukee, Washington, Waukesha, and Walworth Counties from the definition of southeastern counties eligible to form IRTAs
2. Must have at least two municipalities to form an IRTA. Under the current bill, the city of Racine could form its own IRTA unilaterally if it operates an existing transit system.
3. Specify that no municipal membership fee may be funded through a wheeltax
4. If a referendum fails in one municipality that attempts to form an IRTA, specify that that municipality may not contract on its own for any expansion of service.
5. Eliminate the power of eminent domain for IRTA and SERTA. Specify that they must ask the affected municipality to grant the eminent domain. A declaration in either the negative or the positive must be made by said municipality. (In other words, they must take an action and not refuse to act).
6. Specify that no IRTA may be formed unless a referendum is held asking the voters if one should be formed. This should be asked at the same time as the sales tax question. Scott suggested that I say for this we would like you to draft the legislative council model for referenda.
7. Delete the provision that Milwaukee County's 2008 referendum serves as a vote in the affirmative for an IRTA. Scott said by deleting this language Milwaukee would then be subject to the same requirement as the rest of southeastern Wisconsin. That is Robin's intent.
8. Specify that a referendum must be held during a regularly scheduled referendum
9. Use previous AB 75 language relating to allowing Dane COUNTY RTA to use revenue towards Roads. I know this was struck from the final bill. Robin would like to use this language but remove the 25% limitation.
10. Delete any reference to an appropriation in ASA 1.
11. Specify that no public funding could be used for lobbying.
12. Delete the bonding references

Robin is proposing deletion of the funding to take away the Governor's ability to line item out the referendum requirement in the bill. The question has come up as to whether or not the presence of bonding in the proposal in any way allows the Governor the privilege of line item veto. Do you know?

Thanks,

Jenny

Jenny Toftness
 Office of State Representative Robin Vos
 63rd Assembly District
 (888) 534 0063

04/20/2010

Gary, Aaron

From: Toftness, Jennifer
Sent: Tuesday, April 20, 2010 3:13 PM
To: Gary, Aaron
Subject: RE: Request for amendments to RTA

Aaron,

For Item 12 please delete all bonding authority.

For Item 9, I will need a few minutes for clarification.

For Item 4, please disregard that request.

Please add the following new request:

Please specify that after an IRTA is formed by resolution, and a referendum on funding mechanism is held, that referendum must be decided by each political subdivision in the IRTA. For instance if the village of Caledonia, Mt Pleasant and City of Racine form an IRTA, all three must have referenda. If, for instance, the funding referendum in Mt. Pleasant fails, but passes in Caledonia and Racine, Mt Pleasant is no longer part of the IRTA.

If the IRTA is comprised of two political subdivisions and one does not approve the referendum, the IRTA shall be dissolved.

I understand that under the sub and IRTA could be one municipality if it operates its own transit system.

For the purposes of this amendment request, please specify that an IRTA must be two municipalities (as specified previously in a2431/1).

Thanks,

Jenny

Jenny Toftness
Office of State Representative Robin Vos
63rd Assembly District
(888) 534 0063

From: Gary, Aaron
Sent: Tuesday, April 20, 2010 3:05 PM
To: Toftness, Jennifer
Subject: RE: Request for amendments to RTA

Jenny,

For item 9., who could use revenue for roads? Dane County RTA? Any RTA? Any IRTA? The SERTA?

For item 12., do you mean the expanded bonding authority for both SERTA and the RTAs?

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau

04/20/2010



Now

in 4/20

Lbjk

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

SA
X-10A

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 7, line 18: delete lines 18 to 24.

3 **2.** Page 15, line 8: delete lines 8 to 12.

4 **3.** Page 31, line 8: after that line insert:

5 **"SECTION 49g.** 66.1039 (7) (a) of the statutes is amended to read:

6 66.1039 (7) (a) An authority, other than an authority created under sub. (2g),

7 may issue bonds, the principal and interest on which are payable exclusively from

8 all or a portion of any revenues received by the authority. The authority may secure

9 its bonds by a pledge of any income or revenues from any operations, rent, aids,

10 grants, subsidies, contributions, or other source of moneys whatsoever.

History: 2009 a. 28.

11 **SECTION 49r.** 66.1039 (7) (b) of the statutes is amended to read:

↙ as created by 2009
Wisconsin Act 28 ↘

X2



Now

LRBa2441/2

ARG:bjk:jf

STAYS

RMNR

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

bh
SA
x-ref

Insert

D-Note

1 At the locations indicated, amend the substitute amendment as follows:

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- 1. Page 7, line 18: delete lines 18 to 24.
- 2. Page 15, line 8: delete lines 8 to 12.
- 3. Page 31, line 8: after that line insert:

"SECTION 49g. 66.1039 (7) (a) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

66.1039 (7) (a) An authority, other than an authority created under sub. (2g), may issue bonds, the principal and interest on which are payable exclusively from all or a portion of any revenues received by the authority. The authority may secure its bonds by a pledge of any income or revenues from any operations, rent, aids, grants, subsidies, contributions, or other source of moneys whatsoever.

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SECTION 49r. 66.1039 (7) (b) of the statutes, as created by 2009 Wisconsin Act 28, is amended to read:

66.1039 (7) (b) An authority authorized to issue bonds under par. (a) may issue bonds in such principal amounts as the authority deems necessary.”

4. Page 31, line 9: delete lines 9 to 20.

5. Page 32, line 12: delete the material beginning with “authority,” and ending with “the” on line 13.

6. Page 34, line 7: delete the material beginning with “An” and ending with “bonds.” on line 11.

10

(END)

→ D-Note →

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2441/2ins
ARG:.....

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1. Page 7, line 17: after that line insert:

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

59.58 (7) (f) 1. The Subject to subd. 7., the authority may issue bonds, the principal and interest on which are payable exclusively from all or a portion of any revenues received by the authority. The authority may secure its bonds by a pledge of any income or revenues from any operations, rent, aids, grants, subsidies, contributions, or other source of moneys whatsoever.”.

History: 1995 a. 201 ss. 197, 231, 386, 388, 465, 466 to 474; 1997 a. 27, 35; 1999 a. 150 s. 672; 2005 a. 25; 2007 a. 20; 2009 a. 28.

2. Page 7, line 20: delete “The” and substitute “The Subject to subd. 7., the”.

3. Page 8, line 7: after that line insert:

“**SECTION 19m.** 59.58 (7) (f) 7. of the statutes is created to read:

59.58 (7) (f) 7. The authority may issue bonds under this paragraph only if the authority’s board of directors establishes a maximum principal amount of debt obligation, not exceeding the amount specified in subd. 2., and the governing body of all counties included in the authority approves this amount.”.

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

LRBa2441/2dn

ARG:.....

Lbjk

Date

Although the SERTA presently has authority to issue, I believe it has not yet done so.
I am mistaken, the attached amendment would not work.

IF

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

Gary, Aaron

From: Toftness, Jennifer
Sent: Tuesday, April 20, 2010 3:46 PM
To: Gary, Aaron
Subject: RE: Request for amendments to RTA

For item 9, revenue could be used for roads in all RTAs (existing and nonexistent) including IRTA and SERTA.

For item 12, I made a mistake and I'm sorry for that. Please remove all the bonding authority from SERTA, but specify that bonding could exist if each county board in the SERTA approved a bonding level determined by SERTA.

Jenny Toftness
Office of State Representative Robin Vos
63rd Assembly District
(888) 534 0063

From: Gary, Aaron
Sent: Tuesday, April 20, 2010 3:05 PM
To: Toftness, Jennifer
Subject: RE: Request for amendments to RTA

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04/20/2010

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FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2441/2dn
ARG:bjk:jf

April 20, 2010

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