



2009 ASSEMBLY BILL 734

February 11, 2010 – Introduced by Representatives BERNARD SCHABER, NELSON, HINTZ, BARCA, BERCEAU, BLACK, SMITH and TURNER, cosponsored by Senator ELLIS. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 66.1039 (3) (g) 4. and 66.1039 (13) (intro.); and *to create*
2 66.1039 (1) (j), 66.1039 (2) (d), 66.1039 (3) (e), 66.1039 (4) (s) 5. and 66.1039 (4)
3 (s) 6. of the statutes; **relating to:** the creation of a Fox Cities regional transit
4 authority.

Analysis by the Legislative Reference Bureau

The Biennial Budget Act, 2009 Wisconsin Act 28 (Act 28), authorized the creation of the Dane County regional transit authority (RTA), the Chippewa Valley RTA, and the Chequamegon Bay RTA. Each RTA, once created, is a public body corporate and politic and a separate governmental entity.

This bill authorizes the creation of a Fox Cities RTA. Under the bill, the Fox Cities RTA is created if the governing body of any two or more municipalities located in whole or in part within the urbanized Fox Cities metropolitan planning area (planning area) adopt a resolution authorizing the municipality to become a member of the RTA and each resolution is ratified by the electors at a referendum held in the municipality. Each resolution must also include an identical provision specifying the number and composition of the RTA's board of directors. After the Fox Cities RTA is created, any municipality located in whole or in part within the planning area, and any municipality within the counties of Outagamie, Calumet, or Winnebago that is outside the planning area, may also join the RTA if the governing body of the municipality adopts a resolution to join the RTA, the resolution is ratified by the electors at a referendum held in the municipality, and the board of directors of the RTA approves. The jurisdictional area of the Fox Cities RTA is the geographic area

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encompassing the combined territorial boundaries of all municipalities creating or joining the RTA.

The provisions of current law, as created in Act 28, governing the powers and duties of the Dane County RTA, the Chippewa Valley RTA, and the Chequamegon Bay RTA also apply to the Fox Cities RTA. In brief, an RTA's authority is vested in its board of directors and its bylaws govern its management, operations, and administration. An RTA may: operate a transportation system or provide for its operation by contracting with a public or private organization; impose, by its board of directors adopting a resolution, a sales and use tax in the RTA's jurisdictional area at a rate not exceeding 0.5 percent of the sales price if certain conditions are satisfied; acquire property by condemnation; and issue tax-exempt revenue bonds. An RTA has a duty to provide, or contract for the provision of, transit service within the RTA's jurisdictional area. Rates and other charges received by an RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not be transferred to any political subdivision.

Finally, if the Fox Cities RTA imposes a sales tax, a political subdivision that is a member of the RTA must decrease its property tax levy for transit purposes by the amount of sales taxes collected in excess of the amount of federal funding the political subdivision previously received for transit purposes.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 66.1039 (1) (j) "Urbanized Fox Cities metropolitan planning area" means the
3 urbanized area, as defined in 23 USC 134 (b) (6), of the metropolitan planning area,
4 as defined in 23 USC 134 (b) (1), that includes the city of Appleton.

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

6 66.1039 (2) (d) *Fox Cities regional transit authority.* 1. The Fox Cities regional
7 transit authority, a public body corporate and politic and a separate governmental
8 entity, is created if the governing body of any 2 or more municipalities located in
9 whole or in part within the urbanized Fox Cities metropolitan planning area adopt
10 a resolution authorizing the municipality to become a member of the authority and

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

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

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

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

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

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

6 **SECTION 3.** 66.1039 (3) (e) of the statutes is created to read:

7 66.1039 **(3)** (e) If an authority is created under sub. (2) (d), the resolutions
8 creating the authority under sub. (2) (d) 1. shall include identical provisions
9 specifying the number and composition of the authority's board of directors. If a
10 municipality joins an authority after its creation, the resolution joining the authority
11 under sub. (2) (d) 2. or 3. shall specify what the number and composition of the
12 authority's board of directors will be after the municipality's joinder, and all
13 municipalities that are participating political subdivisions of the authority at the
14 time of the new municipality's joinder shall amend or modify their resolutions
15 creating or joining the authority to make them identical to the resolution of the newly
16 joining municipality.

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

19 66.1039 **(3)** (g) 4. The composition of the board of directors of the authority, as
20 determined under par. (d), (e), or (f).

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

22 66.1039 **(4)** (s) 5. Notwithstanding subd. 1., an authority created under sub. (2)
23 (d) may not impose the taxes authorized under subd. 1. unless the authorizing
24 resolutions under sub. (2) (d) 1. and, if applicable, sub. (2) (d) 2. and 3., as well as the
25 referendum question on the referendum ballot specified in sub. (2) (d) 1. and, if

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1 applicable, sub. (2) (d) 2. and 3., each clearly identifies the maximum rate of the taxes
2 that may be imposed by the authority under subd. 1.

3 **SECTION 6.** 66.1039 (4) (s) 6. of the statutes is created to read:

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

11 **SECTION 7.** 66.1039 (13) (intro.) of the statutes, as created by 2009 Wisconsin
12 Act 28, is amended to read:

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

19 (END)