

2009 DRAFTING REQUEST

Bill

Received: **08/26/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Penny Bernard Schaber (608) 266-3070**

By/Representing: **Stephanie Wilson**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

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

Extra Copies: **EVM**

Submit via email: **YES**

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

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

Pre Topic:

No specific pre topic given

Topic:

Fox Cities regional transit authority

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/1	jkreye 02/02/2010	kfollett 02/02/2010	rschluet 02/02/2010 _____		sbasford 02/02/2010	lparisi 02/03/2010	

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↳ At Intro.

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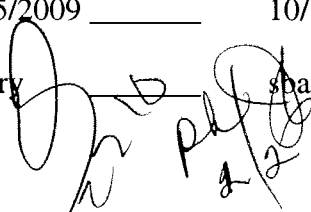
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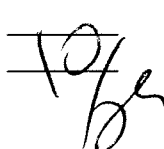
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[Signature]
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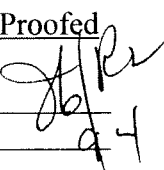
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D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: the creation of a Fox Cities regional transit 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 bodies of the counties of Outagamie, Calumet, and Winnebago each adopt a resolution authorizing that county to become a member of the RTA and each resolution is ratified by the electors at a referendum held in each county. Once created, the Fox Cities RTA consists of the counties of Outagamie, Calumet, and Winnebago and any municipality within the urbanized Fox Cities metropolitan planning area (planning area). However, any municipality within these three counties 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 and the board of directors of the RTA approves. The jurisdictional area of the Fox Cities RTA is the geographic area formed by the planning area combined with the territorial boundaries of all municipalities outside the planning area that join 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 gross receipts or 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.

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:

→ **INSERT A**

*delete
those after
inserting*

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

5 66.1039 (2) (d) *Fox Cities regional transit authority*. 1. The Fox Cities regional
6 transit authority, a public body corporate and politic and a separate governmental
7 entity, is created if the governing bodies of the counties of Outagamie, Calumet, and
8 Winnebago each adopt a resolution authorizing the county to become a member of
9 the authority and each resolution is ratified by the electors at a referendum held in
10 each county. Except as provided in subd. 2., once created, this authority shall consist
11 of the counties of Outagamie, Calumet, and Winnebago and any municipality located
12 in whole or in part within the urbanized Fox Cities metropolitan planning area.
13 Once created, this authority may transact business and exercise any powers granted
14 to it under this section.

15 → **INSERT B**

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

9 **History:** 2009 a. 28.

10 **SECTION 3.** 66.1039 (3) (e), (eg) and (er) of the statutes are created to read:

11 **INSERT C**

12
13 **SECTION 4.** 66.1039 (4) (s) 5. of the statutes is created to read:

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

19 **SECTION 5.** 66.1039 (13) (intro.) of the statutes, as created by 2009 Wisconsin
20 Act 28, is amended to read:

21 66.1039 (13) **WITHDRAWAL FROM AUTHORITY.** (intro.) A participating political
22 subdivision that becomes a member of an authority under sub. (2) (c) 4. shall
23 withdraw from the authority if the county in which the municipality is located
24 withdraws from the authority under this subsection and a participating political

1 subdivision that joined an authority under sub. (2) (b) 3., (c) 3., [✓](d) 2., or (e) 2. may
2 withdraw from an authority if all of the following conditions are met:

3 History: 2009 a. 28.

3

→4

INSERT D

5

(END)



D-Note

66.1039 (1)^B

Insert
A

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

4 **(2) CREATION OF TRANSIT AUTHORITIES.** (a) *Southeast regional transit authority.*

5 1. The southeast regional transit authority, a public body corporate and politic and
6 a separate governmental entity, is created if the governing body of Milwaukee
7 County or Kenosha County, or of any municipality located in whole or in part within
8 that portion of Racine County east of I 94, adopts a resolution authorizing the county
9 or municipality to become a member of the authority. Once created, this authority
10 may transact business and exercise any powers granted to it under this section.

11 2. After an authority is created under subd. 1., any of the counties of Kenosha,
12 Milwaukee, and Racine, and any municipality located in whole or in part within that
13 portion of Racine County east of I 94, if the county or municipality is not already a
14 member of the authority as provided under subd. 1., may join the authority created
15 under subd. 1. if the governing body of the county or municipality adopts a resolution
16 to join the authority.

17 3. If Milwaukee County or Kenosha County adopts a resolution under subd. 1.
18 or 2., any municipality located in whole or in part within Milwaukee County or
19 Kenosha County, respectively, shall be a member of the authority.

20 4. Any of the counties of Waukesha, Ozaukee, and Washington may join the
21 authority created under subd. 1. if the governing body of the county adopts a
22 resolution to join the authority.

23 5. Any municipality located in whole or in part within Waukesha County,
24 Ozaukee County, or Washington County may join the authority created under subd.

SECTION 15

1. if the governing body of the municipality adopts a resolution to join the authority and the board of directors of the authority approves the municipality's joinder.

6. The jurisdictional area of the authority created under this paragraph is the geographic area formed by the combined territorial boundaries of any county or municipality that adopts a resolution under subd. 1., 2., 4., or 5.

(b) *Dane County regional transit authority.* 1. The Dane County regional transit authority, a public body corporate and politic and a separate governmental entity, is created if the governing body of Dane County adopts a resolution authorizing the county to become a member of the authority. Once created, this authority may transact business and exercise any powers granted to it under this section.

2. If Dane County adopts a resolution under subd. 1., any municipality located in whole or in part within the Madison metropolitan planning area shall be a member of the authority.

3. Any municipality located in whole or in part within Dane County that is not located in whole or in part within the Madison metropolitan planning area may join the authority created under subd. 1. if the governing body of the municipality adopts a resolution to join the authority and the board of directors of the authority approves the municipality's joinder.

4. The jurisdictional area of the authority created under this paragraph is the geographic area formed by the Madison metropolitan planning area combined with the territorial boundaries of all municipalities that join the authority under subd. 3.

(c) *Fox Cities regional transit authority.* 1. There is created the Fox Cities regional transit authority, a public body corporate and politic and a separate governmental entity, consisting of the counties of Outagamie, Calumet, and

See next page for insert B

After an authority is created under subd. 1.)

1 ~~Winnebago and any municipality located in whole or in part within the urbanized~~
2 ~~Fox Cities metropolitan planning area. This authority may transact business and~~
3 ~~exercise any powers granted to it under this section.~~

4 2. Any municipality located in whole or in part within Outagamie County,
5 Calumet County, or Winnebago County that is not located in whole or in part within
6 the urbanized Fox Cities metropolitan planning area may join the authority created
7 under subd. 1. if the governing body of the municipality adopts a resolution to join
8 the authority and the board of directors of the authority approves the municipality's
9 joinder.

10 3. The jurisdictional area of the authority created under this paragraph is the
11 geographic area formed by the urbanized Fox Cities metropolitan planning area
12 combined with the territorial boundaries of all municipalities that join the authority
13 under subd. 2.

14 ~~(3) TRANSIT AUTHORITY GOVERNANCE. (a) The powers of an authority shall be~~
15 ~~vested in its board of directors. Directors shall be appointed for 4-year terms. A~~
16 ~~majority of the board of directors' full authorized membership constitutes a quorum~~
17 ~~for the purpose of conducting the authority's business and exercising its powers.~~
18 ~~Action may be taken by the board of directors upon a vote of a majority of the directors~~
19 ~~present and voting, unless the bylaws of the authority require a larger number.~~

20 ~~(b) If an authority is created under sub. (2) (a), the board of directors of the~~
21 ~~authority consists of the following members:~~

22 ~~1. If Kenosha County adopts a resolution under sub. (2) (a) 1. or 2., one member~~
23 ~~from Kenosha County, appointed by the county executive and approved by the county~~
24 ~~board, and one member from the city of Kenosha, appointed by the mayor and~~
25 ~~approved by the common council.~~

Insert
B

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~~3. One member appointed by the governor.
4. One member from each city with a population of more than 20,000 located in Dane County, appointed by the mayor of each such city and approved by the common council.~~

If an authority is created under sub. (2) (d),

~~66.1039 (3)(e)~~
~~The board of directors of the authority created under sub. (2) (c) consists of the following members:~~

1. Three members, one each from the counties of Outagamie, Calumet, and Winnebago, appointed by the county executive of each county and approved by the county board except that, if the county does not have an elected county executive, the member shall be appointed by the county board chairperson and approved by the county board.

2. Two members, one each from the cities of Appleton and Neenah, appointed by the mayor of each such city and approved by the common council.

3. One member from the town of Grand Chute, appointed by the town board chairperson and approved by the town board.

4. One member appointed by the governor.

5. One member appointed as provided in par. ~~(4)~~ ^(eg).

6. One member appointed as provided in par. ~~(4)~~ ^(er).

^(e) ~~(4)~~ 1. Board membership under par. ~~(4)~~ ^(e) 5. shall follow a rotating order of succession, commencing as specified in subs. 2. and 3. and, after June 30, 2017, repeating in the same order and by the same selection process.

2. For the term commencing on the effective date of this subdivision and expiring on June 30, 2013, the member specified in par. ~~(4)~~ ^(e) 5. shall be from the town of Menasha and shall be appointed by the town board chairperson and approved by the town board.

insert
C

SECTION 15

3. For the term commencing on July 1, 2013, and expiring on June 30, 2017, the member specified in par. ^(e) 5. shall be from the city of Menasha and shall be appointed by the mayor of the city and approved by the common council.

^(e) 1. Board membership under par. ^(e) 6. shall follow a rotating order of succession, commencing as specified in subsds. 2. to 5. and, after June 30, 2025, repeating in the same order and by the same selection process.

2. For the term commencing on the effective date of this subdivision and expiring on June 30, 2013, the member specified in par. ^(e) 6. shall be from the city of Kaukauna and shall be appointed by the mayor of the city and approved by the common council.

3. For the term commencing on July 1, 2013, and expiring on June 30, 2017, the member specified in par. ^(e) 6. shall be from the village of Kimberly and shall be appointed by the village president and approved by the village board.

4. For the term commencing on July 1, 2017, and expiring on June 30, 2021, the member specified in par. ^(e) 6. shall be from the village of Little Chute and shall be appointed by the village president and approved by the village board.

5. For the term commencing on July 1, 2021, and expiring on June 30, 2025, the member specified in par. ^(e) 6. shall be from the town of Buchanan and shall be appointed by the town board chairperson and approved by the town board.

~~(g) The bylaws of an authority shall govern its management, operations, and administration, consistent with the provisions of this section, and shall include provisions specifying all of the following:~~

- ~~1. The functions or services to be provided by the authority.~~
- ~~2. The powers, duties, and limitations of the authority.~~

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1 ~~of directors of the authority, may allow, compromise, settle and pay the claim. In this~~
2 ~~subsection, a motor vehicle is deemed owned and operated by a municipality or~~
3 ~~authority if the vehicle is either being rented or leased, or is being purchased under~~
4 ~~a contract whereby the municipality or authority will acquire title.~~

5 SECTION 43. 611.11 (4) (a) of the statutes is amended to read:

6 611.11 (4) (a) In this subsection, "municipality" has the meaning given in s.
7 345.05 (1) (c), ~~but also includes any transit authority created under s. 66.1039.~~

8 SECTION ~~43~~⁴². **Nonstatutory provisions, Transportation**

9 (1) TRANSIT AUTHORITIES.

10 (a) *Initial terms of southeast regional transit authority.* Notwithstanding the
11 length of terms specified for members of the board of directors of the southeast
12 regional transit authority under section 66.1039 (2) (a) and (3) (a) of the statutes, as
13 created by this act, the initial terms for the following members of the board of
14 directors shall be two years:

15 1. One member appointed under section 66.1039 (3) (b) 4. of the statutes, as
16 created by this act.

17 2. If Kenosha County adopts a resolution under section 66.1039 (2) (a) 1. or 2.
18 of the statutes, as created by this act, the member appointed under section 66.1039
19 (3) (b) 1. of the statutes, as created by this act, from the city of Kenosha.

20 3. If Milwaukee County adopts a resolution under section 66.1039 (2) (a) 1. or
21 2. of the statutes, as created by this act, the member appointed under section 66.1039
22 (3) (b) 2. of the statutes, as created by this act, from the city of Milwaukee.

23 (b) *Initial terms of Dane County regional transit authority.* Notwithstanding
24 the length of terms specified for members of the board of directors of the Dane County
25 transit authority under section 66.1039 (2) (b) and (3) (a) of the statutes, as created

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D

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1 by this act, the initial terms for the members appointed under section 66.1039 (3) (c)
2 1. and 4. of the statutes, as created by this act, shall be two years.

3 ~~(c) Initial terms of Fox Cities regional transit authority.~~ Notwithstanding the
4 length of terms specified for members of the board of directors of the Fox Cities

5 regional transit authority under section 66.1039 (2) ^(d) ~~(c)~~ ^e and ~~(3) (a)~~ of the statutes, as
6 created by this act, ^a the initial members of the board of directors shall be appointed ^{of the}
7 for the following terms: ^{statute:}

8 (a) The members appointed under section 66.1039 (3) ^e ~~(d)~~ 1. of the statutes, as
9 created by this act, for terms expiring on June 30, 2011.

10 (b) The members appointed under section 66.1039 (3) ^e ~~(d)~~ 2. to 4. of the statutes,
11 as created by this act, for terms expiring on June 30, 2013.

12 **SECTION 9450. Effective dates; Transportation.**

13 (1) TRANSIT AUTHORITIES.) The repeal and recreation of section 40.02 (28) of the
14 statutes takes effect on January 1, 2010.

(END)

D-Notes

Insert
Cont'd

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

LRB-3326/P1dn
ARG:...

gf

Date

ATTN: Stephanie Wilson

You requested a bill creating the Fox Cities RTA as included in the executive budget bill (2009 AB-75), but also adding the requirement of a binding referendum. I had to make certain adjustments to the provisions of AB-75 to accomplish your intent, particularly with respect to created s. 66.1039 (2) (d) 1. and 4. and (4) (s) 5. in the attached draft. Please review the draft carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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

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

LRB-3326/P1dn
ARG:kjf:rs

September 4, 2009

ATTN: Stephanie Wilson

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Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

9/29

Stephanie

Rep. Bernard - Schaker

• referendum = at the Spring genl
elect ~~two years after~~
~~date~~

• referendum written by the RTA
board

• board = Leg Council make-up

AB-252

• ~~take~~ counties out → results
by munis in whole or in
part in MPA

• another /P draft