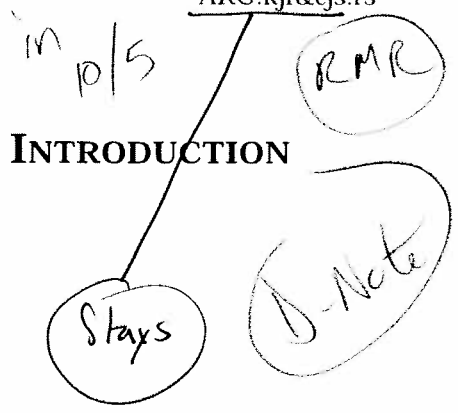


State of Wisconsin
2009 - 2010 LEGISLATURE

wanted by 10/15
soon
early afternoon
PZ

LRB-3326/111
ARG:kjf&cjs:rs



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reyes Cat

SA ✓

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

body

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.

INSERT ANAL

*
*
*
*
*
*

~~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

of Outagamie, Calumet, or Winnebago

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:

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 [^]bodies of the counties of Outagamie, Calumet, and

9 Winnebago each adopt a resolution authorizing the county to become a member of
10 the authority and each resolution is ratified by the electors at a referendum held in
11 each county. Except as provided in subd. 2., once created, this authority shall consist
12 of the counties of Outagamie, Calumet, and Winnebago and any municipality located
13 in whole or in part within the urbanized Fox Cities metropolitan planning area.

Insert
2-8

body

1 Once created, this authority may transact business and exercise any powers granted
2 to it under this section.

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

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

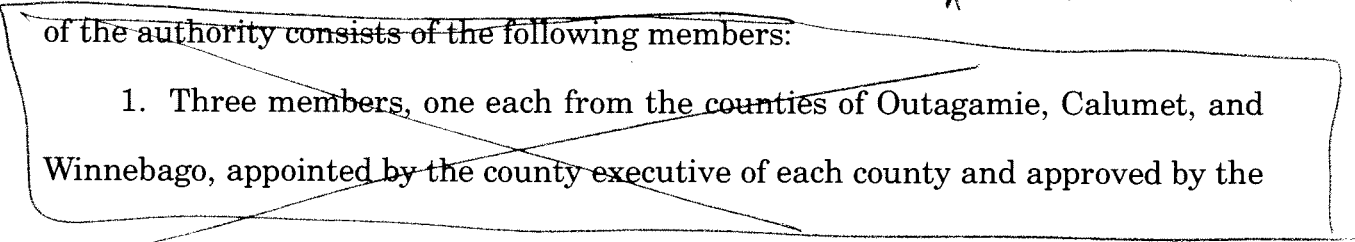
13 4. If a municipality joins the authority under subd. 2. after it is created, the
14 authority shall provide the department of revenue with a certified copy of the
15 resolution that approves the joining and a certified copy of the authority's board of
16 directors approval. The municipality's joining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

21 **SECTION 3.** 66.1039 (3) (e) [^](eg) and (er) of the statutes ^{is} are created to read:

22 66.1039 (3) (e) If an authority is created under sub. (2) (d), ^{the} board of directors
23 of the authority consists of the following members:

24 1. Three members, one each from the counties of Outagamie, Calumet, and
25 Winnebago, appointed by the county executive of each county and approved by the

insert
3-22



SECTION 3

1 county board except that, if the county does not have an elected county executive, the
2 member shall be appointed by the county board chairperson and approved by the
3 county board.

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

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

8 4. One member appointed by the governor.

9 5. One member appointed as provided in par. (eg).

10 6. One member appointed as provided in par. (er).

11 (eg) 1. Board membership under par. (e) 5. shall follow a rotating order of
12 succession, commencing as specified in subds. 2. and 3. and, after June 30, 2017,
13 repeating in the same order and by the same selection process.

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

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

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

24 2. For the term commencing on the effective date of this subdivision and
25 expiring on June 30, 2013, the member specified in par. (e) 6. shall be from the city

1 of Kaukauna and shall be appointed by the mayor of the city and approved by the
2 common council.

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

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

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

INS
X

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

13 66.1039 (4) (s) 5. Notwithstanding subd. 1., an authority created under sub. (2)
14 (d) may not impose the taxes authorized under subd. 1. unless the authorizing
15 resolutions under sub. (2) (d) 1. and, if applicable, ^{(sub. (2) (d))} subd. 2., as well as the referendum
16 question on the referendum ballot specified in sub. (2) (d) 1., each clearly identifies
17 the maximum rate of the taxes that may be imposed by the authority under subd. 1.

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

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

SECTION 6

SECTION 6. Nonstatutory provisions.

(1) Notwithstanding the length of terms specified for members of the board of directors of the Fox Cities regional transit authority under section 66.1039 (2) (d) of the statutes, as created by this act, and section 66.1039 (3) (a) of the statutes, the initial members of the board of directors shall be appointed for the following terms:

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

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

(END)

D-Note

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3326/P2ins
ARG:.....

1 (no #) **INSERT ANAL:** *each* *municipality*
* all municipalities located in whole or in part within the urbanized Fox Cities
metropolitan planning area (planning area) adopt^s 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 at a spring general election held
not later than two years after the municipality adopts its resolution. Each resolution
must also include an identical provision specifying the number and composition of
the RTA's board of directors. Once created, the Fox Cities RTA consists of all
municipalities located in whole or in part within the planning area. ✓

2
3
4 **INSERT 2-8:** *each* *municipality*
5 (no #) all municipalities located in whole or in part within the urbanized Fox Cities ✓
6 metropolitan planning area adopt^s a resolution authorizing the municipality to
7 become a member of the authority and each resolution is ratified by the electors at
8 a referendum held in the municipality at a spring general election held not later than
9 2 years after the municipality adopts its resolution. Except as provided in subd. 2.,
10 once created, this authority shall consist of all municipalities located in whole or in
11 part within the urbanized Fox Cities metropolitan planning area. ✓

12
13 **INSERT 3-22:**
14 (no #) the resolutions creating the authority under sub. (2) (d) 1. shall include ✓
15 identical provisions specifying the number and composition of the authority's board
16 of directors. If a municipality joins an authority after its creation, the resolution
17 joining the authority under sub. (2) (d) 2. shall specify what the number and ✓
18 composition of the authority's board of directors will be after the municipality's
19 joinder, and all municipalities that are participating political subdivisions of the ✓

1 authority at the time of the new municipality's joinder shall amend or modify the
2 resolutions they adopted under sub. (2) (d) 1. to make them identical to the resolution
3 under sub. (2) (d) 2. of the newly joining municipality.

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

LRB-3326/P2insAG
ARG:.....

INS X

SECTION 1. 66.1039 (3) (g) 4. of the statutes, as created by 2009 Wisconsin Act 28, is amended to read: ✓

66.1039 (3) (g) 4. The composition of the board of directors of the authority, as determined under par. (d), [✓](e), or (f).

History: 2009 a. 28.

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

LRB-3326/P2dn

ARG: /:...

js

— date —

Stephanie Wilson

Please review the attached draft carefully to ensure that it is consistent with your intent.

We discussed four changes to LRB-3326/P1:

1. Adding a requirement that the referendum be held at the spring general election two years after the bill's effective date. As we discussed, the two year time limitation creates problems because the authorizing resolutions might not even be adopted within this time period. I have instead created a two year deadline after the authorizing resolutions are adopted. Is this consistent with your intent? If the intent is to require each municipality to adopt its authorizing resolution and hold the referendum within two years of the effective date or no RTA is created, let me know and I will revise the draft.

2. Requiring the referendum to be written by the RTA board of directors. I could not draft this provision. The RTA is not formed until *after* the referendum is held, so the RTA board of directors does not exist prior to the referendum and therefore cannot write the referendum question.

3. Eliminating counties as members of the RTA and limiting the initially created RTA to those municipalities in whole or in part within the Fox Cities MPA.

4. Replacing the RTA board of director provisions with provisions similar to those in AB-282.

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/P2dn
ARG:cjs:md

October 15, 2009

Stephanie Wilson

Please review the attached draft carefully to ensure that it is consistent with your intent.

We discussed four changes to LRB-3326/P1:

1. Adding a requirement that the referendum be held at the spring election two years after the bill's effective date. As we discussed, the two year time limitation creates problems because the authorizing resolutions might not even be adopted within this time period. I have instead created a two year deadline after the authorizing resolutions are adopted. Is this consistent with your intent? If the intent is to require each municipality to adopt its authorizing resolution and hold the referendum within two years of the effective date or no RTA is created, let me know and I will revise the draft.
2. Requiring the referendum to be written by the RTA board of directors. I could not draft this provision. The RTA is not formed until *after* the referendum is held, so the RTA board of directors does not exist prior to the referendum and therefore cannot write the referendum question.
3. Eliminating counties as members of the RTA and limiting the initially created RTA to those municipalities in whole or in part within the Fox Cities MPA.
4. Replacing the RTA board of director provisions with provisions similar to those in AB-282.

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



Wanted
by 10/30
10/28

AMR

D-note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 66.1039 (13) (intro.); and **to create** 66.1039 (1) (j), 66.1039 (2)
2 (d), 66.1039 (3) (e), (eg) and (er) and 66.1039 (4) (s) 5. of the statutes; **relating**
3 **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 body of ~~each municipality~~ located in whole or in part within the urbanized Fox Cities metropolitan planning area (planning area) adopts 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 ~~at a spring election held not later than two years after the municipality adopts its resolution.~~ Each resolution must also include an identical provision specifying the number and composition of the RTA's board of directors. Once created, the Fox Cities RTA consists of all municipalities located in whole or in part within the planning area. However, 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 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.

any two or more municipalities

insert ANAL

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:

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} each municipality ^{ies} located in whole or in part
9 within the urbanized Fox Cities metropolitan planning area adopts a resolution
10 authorizing the municipality to become a member of the authority and each
11 resolution is ratified by the electors at a referendum held in the municipality at a
12 spring election held not ^{earlier} later than ~~6 months~~ ^{6 months} after the municipality adopts its
13 resolution. Except as provided in subd. 2, ^{and 3.} once created, this authority shall consist

insert
3-1

1 of all municipalities located in whole or in part within the urbanized Fox Cities
2 metropolitan planning area. Once created, this authority may transact business and
3 exercise any powers granted to it under this section.

insert
3-3

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

insert
3-11

10 4 B. 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 5 A. If a municipality joins the authority under subd. 2. ^{or 3.} after it is created, the
15 authority shall provide the department of revenue with a certified copy of the
16 resolution that approves the joining and a certified copy of the authority's board of
17 directors approval. The municipality's joining of the authority shall take effect on
18 the first day of the calendar quarter that begins at least 120 days after the
19 department receives this information. The authority shall also provide the
20 department with a description of the new boundaries of the authority's jurisdictional
21 area, as provided under sub. (4) (s) 2.

22 SECTION 3. 66.1039 (3) (e) of the statutes is created to read:
23 66.1039 (3) (e) If an authority is created under sub. (2) (d), the resolutions
24 creating the authority under sub. (2) (d) 1. shall include identical provisions
25 specifying the number and composition of the authority's board of directors. If a

1 municipality joins an authority after its creation, the resolution joining the authority
 2 under sub. (2) (d) 2^{or 3.} shall specify what the number and composition of the authority's
 3 board of directors will be after the municipality's joinder, and all municipalities that
 4 are participating political subdivisions of the authority at the time of the new
 5 municipality's joinder shall amend or modify the^{ir} resolutions^{creating or joining the authority} they adopted under sub.
 6 (2) (d) 1, to make them identical to the resolution under sub. (2) (d) 2 of the newly
 7 joining municipality.

8 **SECTION 4.** 66.1039 (3) (g) 4. of the statutes, as created by 2009 Wisconsin Act
 9 28, is amended to read:

10 66.1039 (3) (g) 4. The composition of the board of directors of the authority, as
 11 determined under par. (d), (e), or (f). ✓

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

13 66.1039 (4) (s) 5. Notwithstanding subd. 1., an authority created under sub. (2)
 14 (d) may not impose the taxes authorized under subd. 1. unless the authorizing
 15 resolutions under sub. (2) (d) 1. and, if applicable, sub. (2) (d) 2^{and 3.} as well as the
 16 referendum question on the referendum ballot specified in sub. (2) (d) 1., each clearly
 17 identifies the maximum rate of the taxes that may be imposed by the authority under
 18 subd. 1. ✓

19 **SECTION 6.** 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

SECTION 6

or 3.

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 (END)

D-note

1

2

INSERT ANAL:

(no #) 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 and the board of directors of the RTA [✓] approves. The jurisdictional area of the Fox Cities RTA is the combined geographic area encompassing the following: for municipalities located in whole or in part within the planning area, that portion of the territorial boundaries of all such municipalities creating or joining the RTA that is located within the planning area; and, for municipalities located wholly outside the planning area, the territorial boundaries of all such municipalities joining the RTA.

3

4

INSERT 3-1:

5

(no #) that adopt a resolution ratified at a referendum, as provided in this subdivision [✓]

6

INSERT 3-3:

7

2. After an authority is created under subd. 1., [✓] any municipality located in

8

whole or in part within the urbanized Fox Cities metropolitan planning area may

9

join the authority created under subd. 1. if the governing body of the municipality [✓]

10

adopts a resolution to join the authority and the board of directors of the authority

11

approves the municipality's joinder.

12

INSERT 3-11:

13

(no #) that portion of the territorial boundaries of all municipalities that create or join

14

the authority under subds. 1. and 2. which is located within the urbanized Fox Cities [✓] [✓]

15

metropolitan planning area,

16

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

LRB-3326/P3dn

ARG:...

Date

ATTN: Stephanie Wilson

There have been a number of changes to this draft and, as previously discussed, changes sometimes have a "ripple effect" and give rise to new questions. Please review this draft carefully. I am uncertain whether it is consistent with your expectations.

Given the latest changes, is there any reason to continue to utilize the "urbanized Fox Cities metropolitan planning area" (MPA) as a component of the RTA's jurisdictional area, rather than simply the territorial boundaries of the participating municipalities? It is my understanding that utilizing the MPA to define the RTA's jurisdictional area creates complications for DOT in administering sales tax collection on motor vehicle sales.

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

10/19

t/c from Stephanie 6-3070

- changes to - 3326

- wants /P3

- gave me specific changes suggested by Al Runde

Gary, Aaron

From: Gary, Aaron
Sent: Monday, October 19, 2009 4:00 PM
To: Wilson, Stephanie
Cc: Nerad, Ben; Gillis, George
Subject: RE: RTA changes: LRB-3326

Thanks Stephanie. I'll go ahead and prepare the /P3 based on your response to item 1. There is a "ripple" effect resulting from this change, which will necessitate various corresponding changes from the /P2 as I prepare the /P3.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Wilson, Stephanie
Sent: Monday, October 19, 2009 3:44 PM
To: Gary, Aaron
Cc: Nerad, Ben; Gillis, George
Subject: RE: RTA changes: LRB-3326

Aaron,

Here is our intent:

1. If you don't pay you can't be part of the RTA (so it is option 1 only that part of the planning area that is also within these municipalities)
2. Cities have to be in or out. I agree it would be difficult to administer if parts of cities are in it. We don't want to make it more challenging for DOT.
3. In regards to how many cities it takes to set up an RTA, let's leave the number 2 or more in it for now but subject to change when we talk to the local folks.

Let me know if you have any additional concerns. I have CCed Tom Nelson's office on it we have been working on this together.

Thanks!

Stephanie

From: Gary, Aaron
Sent: Monday, October 19, 2009 3:20 PM
To: Wilson, Stephanie
Subject: RTA changes: LRB-3326

10/19/2009

Hi Stephanie,

I'm sorry to say it, but I don't believe the changes suggested by Al Runde can be so simply made. So I need to get a better idea of what your intent is in order to make the necessary changes to the draft.

From what I can tell, the Fox Cities Metropolitan planning area consists of the city of Appleton and all or portions of 13 other municipalities in the "urbanized area." As I understand it, you want the RTA to be created if at least 2 of these municipalities join together (as provided under the /P2 draft, including resolutions and referenda). Let's assume that 4 of the municipalities in the planning area join together to create the RTA, but the other 10 municipalities decide not to. What is the jurisdictional area of the RTA: is it 1) only that part of the planning area that is also within these 4 municipalities, OR 2) the entire planning area (despite the fact that most of the municipalities within it opted not to join in)? Also, can the 10 municipalities that decided not to initially create the RTA change their minds and join it later, after creation?

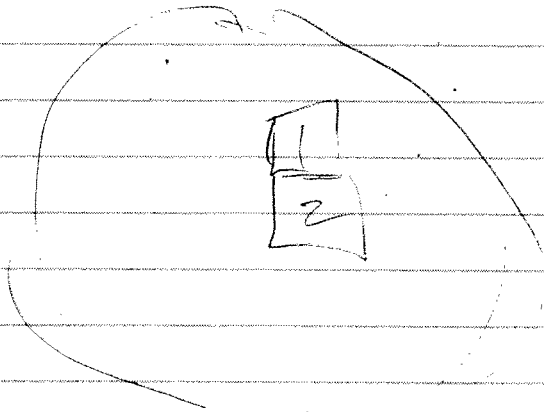
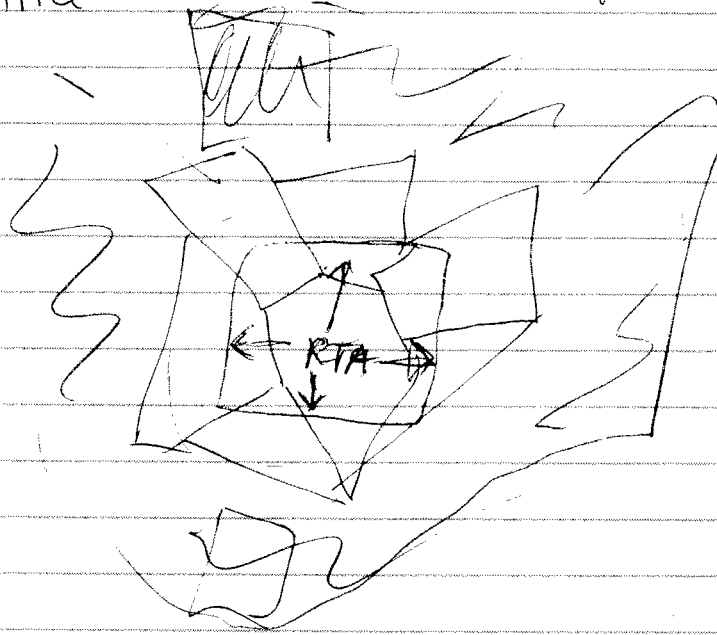
I should also mention that I've had conversations with DOT on the subject of RTAs in general (NOT about this particular legislation). DOT administers (collects) the sales tax for motor vehicle sales. The idea of having to administer this sales tax for only a portion of a municipality (for example, that part of a municipality within the planning area) is a real, and perhaps costly, administrative challenge to DOT and they are not very happy about it. Ultimately, when the bill is introduced, I think you're going to hear that from DOT and I just wanted to give you a heads-up on it.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

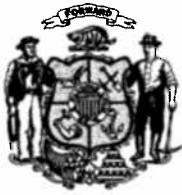
Mtg w/ Ben Nevad, Stephanie Wilson, Lisa Lundquist
Rep. Nelson office

4/9/09



Changes to 3326 ⇒

1. ADD referendum for municipalities that join after creation
2. make jurisdictional are the municipal boundaries, not the ~~MPA~~^{MPA} planning area; but MPA area still used for who can initially create RTA



Wanted by 11/12
Sed. ~~and day~~

LRB-3326/04 P4
ARG:kjf&cjs:ph

in 11/10

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

legen

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) and 66.1039 (4) (s) 5. of the
3 statutes; 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.

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Insert ANAC

- * *
- * *
- * *

combined

~~and, for municipalities located wholly outside the planning area, the territorial boundaries of all such municipalities 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 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:

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
11 each resolution is ratified by the electors at a referendum held in the municipality
12 at a spring election held not earlier than 6 months after the municipality adopts its

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

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

insert
3-8
4
3-14

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

16 4. The jurisdictional area of the authority created under this paragraph is the
17 geographic area formed by that portion of the ^{combined} territorial boundaries of all
18 municipalities that create or join the authority under subds. 1. and 2. which is located
19 within the urbanized Fox Cities metropolitan planning area, combined with the
20 territorial boundaries of all municipalities that join the authority under subd. 3.

21 5. If a municipality joins the authority under subd. 2. or 3. after it is created,
22 the authority shall provide the department of revenue with a certified copy of the
23 resolution that approves the joining and a certified copy of the authority's board of
24 directors approval. The municipality's joining of the authority shall take effect on
25 the first day of the calendar quarter that begins at least 120 days after the

insert 3-23

1 department receives this information. The authority shall also provide the
2 department with a description of the new boundaries of the authority's jurisdictional
3 area, as provided under sub. (4) (s) 2.

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

5 66.1039 (3) (e) If an authority is created under sub. (2) (d), the resolutions
6 creating the authority under sub. (2) (d) 1. shall include identical provisions
7 specifying the number and composition of the authority's board of directors. If a
8 municipality joins an authority after its creation, the resolution joining the authority
9 under sub. (2) (d) 2. or 3. shall specify what the number and composition of the
10 authority's board of directors will be after the municipality's joinder, and all
11 municipalities that are participating political subdivisions of the authority at the
12 time of the new municipality's joinder shall amend or modify their resolutions
13 creating or joining the authority to make them identical to the resolution of the newly
14 joining municipality.

15 **SECTION 4.** 66.1039 (3) (g) 4. of the statutes, as created by 2009 Wisconsin Act
16 28, is amended to read:

17 66.1039 (3) (g) 4. The composition of the board of directors of the authority, as
18 determined under par. (d), ~~(e)~~, or (f).

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

20 66.1039 (4) (s) 5. Notwithstanding subd. 1., an authority created under sub. (2)
21 (d) may not impose the taxes authorized under subd. 1. unless the authorizing
22 resolutions under sub. (2) (d) 1. and, if applicable, sub. (2) (d) 2. and 3., as well as the
23 referendum question on the referendum ballot specified in sub. (2) (d) 1. ~~each~~ clearly
24 identifies the maximum rate of the taxes that may be imposed by the authority under
25 subd. 1.

insert
4-23

1 **SECTION 6.** 66.1039 (13) (intro.)[✓] of the statutes, as created by 2009 Wisconsin
2 Act 28, is amended to read:

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

9

(END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3326/P4ins
ARG:.....

1 **INSERT ANAL:**

(no ¶) , the resolution is ratified by the electors at a referendum held in the
municipality,

2

3 **INSERT 3-8 & 3-14:**

4 (no ¶) , the resolution is ratified by the electors at a referendum held in the
5 municipality,

6

7 **INSERT 3-23:**

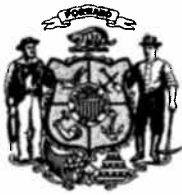
8 (no ¶) , a certification of the referendum results ratifying this resolution,

9

10 **INSERT 4-23:**

11 (no ¶) and, if applicable, sub. (2) (d) 2. and 3.,

12



State of Wisconsin
2009 - 2010 LEGISLATURE

TODAY

LRB-3326/P5

ARG:kjf&cjs:md

in 11/24

stays RMA

11/24 Mc w/ Stephanie - make indicated change

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

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2 66.1039 (1) (j), 66.1039 (2) (d), 66.1039 (3) (e) and 66.1039 (4) (s) 5. of the
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10 a resolution authorizing the municipality to become a member of the authority and
11 each resolution is ratified by the electors at a referendum held in the municipality
12 at a spring election held not earlier than 6 months after the municipality adopts its

13 resolution. Except as provided in subds. 2. and 3., once created, this authority shall

1 consist of all municipalities that adopt a resolution ratified at a referendum, as
2 provided in this subdivision. Once created, this authority may transact business and
3 exercise any powers granted to it under this section.

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11 whole or in part within Outagamie County, Calumet County, or Winnebago County
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13 planning area may join the authority created under subd. 1. if the governing body
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15 by the electors at a referendum held in the municipality, and the board of directors
16 of the authority approves the municipality's joinder.

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

20 5. If a municipality joins the authority under subd. 2. or 3. after it is created,
21 the authority shall provide the department of revenue with a certified copy of the
22 resolution that approves the joining, a certification of the referendum results
23 ratifying this resolution, and a certified copy of the authority's board of directors
24 approval. The municipality's joining of the authority shall take effect on the first day
25 of the calendar quarter that begins at least 120 days after the department receives

SECTION 2

1 this information. The authority shall also provide the department with a description
2 of the new boundaries of the authority's jurisdictional area, as provided under sub.
3 (4) (s) 2. ✓

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5 66.1039 (3) (e) If an authority is created under sub. (2) (d), the resolutions
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11 municipalities that are participating political subdivisions of the authority at the
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13 creating or joining the authority to make them identical to the resolution of the newly
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22 resolutions under sub. (2) (d) 1. and, if applicable, sub. (2) (d) 2. and 3., as well as the
23 referendum question on the referendum ballot specified in sub. (2) (d) 1. and, if
24 applicable, sub. (2) (d) 2. and 3., each clearly identifies the maximum rate of the taxes
25 that may be imposed by the authority under subd. 1.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

HL of Stephanie - Rep. Bernard Schaber ^{2/2}

3326 / P5 →

- add in sec. 7 from 4146/2
- make .7 a /1



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3326/P5

ARG:kjf&cjs:jf

JK RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 2-2-10

Cooley

re you

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2 66.1039 (1) (j), 66.1039 (2) (d), 66.1039 (3) (e) and 66.1039 (4) (s) 5. of the
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7 transit authority, a public body corporate and politic and a separate governmental
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10 a resolution authorizing the municipality to become a member of the authority and
11 each resolution is ratified by the electors at a referendum held in the municipality
12 at a spring election. Except as provided in subds. 2. and 3., once created, this
13 authority shall consist of all municipalities that adopt a resolution ratified at a

1 referendum, as provided in this subdivision. Once created, this authority may
2 transact business and exercise any powers granted to it under this section.

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

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

16 4. The jurisdictional area of the authority created under this paragraph is the
17 geographic area formed by the combined territorial boundaries of all municipalities
18 that create or join the authority under subs. 1., 2., and 3.

19 5. If a municipality joins the authority under subd. 2. or 3. after it is created,
20 the authority shall provide the department of revenue with a certified copy of the
21 resolution that approves the joining, a certification of the referendum results
22 ratifying this resolution, and a certified copy of the authority's board of directors
23 approval. The municipality's joining of the authority shall take effect on the first day
24 of the calendar quarter that begins at least 120 days after the department receives
25 this information. The authority shall also provide the department with a description

1 of the new boundaries of the authority's jurisdictional area, as provided under sub.
2 (4) (s) 2.

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

4 66.1039 (3) (e) If an authority is created under sub. (2) (d), the resolutions
5 creating the authority under sub. (2) (d) 1. shall include identical provisions
6 specifying the number and composition of the authority's board of directors. If a
7 municipality joins an authority after its creation, the resolution joining the authority
8 under sub. (2) (d) 2. or 3. shall specify what the number and composition of the
9 authority's board of directors will be after the municipality's joinder, and all
10 municipalities that are participating political subdivisions of the authority at the
11 time of the new municipality's joinder shall amend or modify their resolutions
12 creating or joining the authority to make them identical to the resolution of the newly
13 joining municipality.

14 SECTION 4. 66.1039 (3) (g) 4. of the statutes, as created by 2009 Wisconsin Act
15 28, is amended to read:

16 66.1039 (3) (g) 4. The composition of the board of directors of the authority, as
17 determined under par. (d), (e), or (f).

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

19 66.1039 (4) (s) 5. Notwithstanding subd. 1., an authority created under sub. (2)
20 (d) may not impose the taxes authorized under subd. 1. unless the authorizing
21 resolutions under sub. (2) (d) 1. and, if applicable, sub. (2) (d) 2. and 3., as well as the
22 referendum question on the referendum ballot specified in sub. (2) (d) 1. and, if
23 applicable, sub. (2) (d) 2. and 3., each clearly identifies the maximum rate of the taxes
24 that may be imposed by the authority under subd. 1.

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BILL

1 specifying the number and composition of the authority's board of directors. If a
 2 municipality joins an authority after its creation, the resolution joining the authority
 3 under sub. (2) (d) 2. or 3. shall specify what the number and composition of the
 4 authority's board of directors will be after the municipality's joinder, and all
 5 municipalities that are participating political subdivisions of the authority at the
 6 time of the new municipality's joinder shall amend or modify their resolutions
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 10 28, is amended to read:

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

20 **SECTION 7.** 66.1039 (4) (s) 6. of the statutes is created to read:

21 66.1039 (4) (s) 6. If an authority created under sub. (2) (d) adopts a resolution
 22 to impose the taxes under subd. 1., no political subdivision that is a member of the
 23 authority may levy property taxes for transit purposes in excess of the amount of
 24 property taxes levied for transit purposes in the year before the year in which the
 25 taxes are imposed under subd. 1., less an amount, if a positive number, that is equal

INSERT
4-24



BILL

Insert 4-24

1 to the taxes collected under subd. 1., minus the amount of federal funding for transit
2 purposes that the political subdivision last received.

3 **SECTION 8.** 66.1039 (13) (intro.) of the statutes, as created by 2009 Wisconsin
4 Act 28, is amended to read:

5 66.1039 (13) WITHDRAWAL FROM AUTHORITY. (intro.) A participating political
6 subdivision that becomes a member of an authority under sub. (2) (c) 4. shall
7 withdraw from the authority if the county in which the municipality is located
8 withdraws from the authority under this subsection and a participating political
9 subdivision that joined an authority under sub. (2) (b) 3., (c) 3., (d) 2. or 3., or (e) 2.
10 may withdraw from an authority if all of the following conditions are met:

11 **SECTION 9.** 74.09 (3) (dn) of the statutes is created to read:

12 74.09 (3) (dn) Indicate the proportionate amount of the property taxes levied
13 for transit purposes that were removed from the levy as a result of the taxes imposed
14 under s. 66.1039 (4) (s) 1. by a regional transit authority created under s. 66.1039 (2)
15 (d).

16 (END)

Insert A

JK

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

Barman, Mike

From: Gary, Aaron
Sent: Wednesday, February 03, 2010 9:42 AM
To: Barman, Mike
Cc: Wilson, Stephanie
Subject: LRB-3326

Hi Mike,

Can you please jacket this draft for Rep. Bernard Schaber? Thanks. Aaron

Aaron R. Gary
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