

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

LRB-3451/P1dn  
ARG:kjf:rs

October 14, 2009

ATTN: Tyler Byrnes

Please review the attached draft carefully to ensure that it is consistent with your intent. At times I had difficulty interpreting the drafting instructions and piecing together the various components into an integrated whole. To complete the draft, I have made certain decisions and assumptions with respect to the drafting instructions, which may not be consistent with your expectations.

There is a tension between the requirement for “identical” authorizing resolutions of the originally forming governments and the type of flexibility necessary to allow other governments to later join into these interim regional transit authorities (IRTAs). The “locked-in” provisions of the original identical resolutions may need to be modified to accommodate entry of a new member into the IRTA. This draft specifically allows for modification of the original identical resolutions. *See* created s. 66.1041 (2) (g). The draft also contains other related provisions. Created s. 66.1041 (2) (b) 2. and (g) 2. are intended to make joinder of IRTA’s after their initial creation less cumbersome. These provisions are not specifically included in the drafting instructions but are an elaboration of the drafting instructions. These provisions assume that the newly joining municipality would work out a deal with the IRTA on what the IRTA’s board of directors’ composition would be after the municipality’s joinder and would then specify that composition in its authorizing resolution. The IRTA board would then simply approve this new composition when it approves the municipality’s joinder into the IRTA. If the IRTA board does not approve of the proposed board composition, the IRTA board would simply deny approval of the joinder.

With respect to created s. 59.58 (7) (c) 1. h., the drafting instructions refer to a “municipality” but also require appointment by the “mayor.” Because the municipality must have a population of more than 60,000, I have drafted the provision to apply only to cities. If the intent was otherwise, I will need to use a term other than “mayor.”

The instructions require a pass-through of federal and state funding through the SERTA to the IRTAs but suggest that incentive funds not pass through SERTA starting in the fall of 2011. The only mechanism provided to me for incentive funds is one in which SERTA actually provides the incentive funds and does not act as a pass-through intermediary, so it is unclear to me what was intended by this instruction. If you would like this provision included, I will need more information about the intent and how a direct state distribution to IRTAs would work.

Because there is no time limit for creating an IRTA, when can DOT say that all IRTAs that might be formed have been formed? It seems that DOT needs to know how many IRTAs will be formed before it can say that all IRTAs have reached "phase 4."

I have prepared this draft according to the instructions provided. The draft does not include all of the provisions that were included in the executive budget bill and budget amendments related to regional transit authorities. For example, the draft does not include provisions related to condemnation powers, WRS or MERA status, intergovernmental cooperation agreements, property tax exemptions, rail planning and development grants, and vehicle accident liability and mutual insurance.

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](mailto:aaron.gary@legis.wisconsin.gov)