



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WANTED:
Tues 10/20

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1 AN ACT *to repeal* 59.58 (6); *to renumber* 66.0615 (1) (a); *to amend* 20.395 (5)
2 (iv), 59.58 (7) (a) 1., 59.58 (7) (b), 59.58 (7) (c) 1. (intro.), 59.58 (7) (d), 59.58 (7)
3 (e) 2., 59.58 (7) (f) 2., 59.58 (7) (f) 4., 59.58 (7) (g), 59.58 (7) (i), 66.0615 (1m) (a),
4 77.708 (1), 77.708 (2), 77.9971 (1), 79.03 (3) (b) 4. a., 85.11 (1) (a), 85.20 (4m) (a)
5 6. e., 341.35 (title), 341.35 (1), 341.35 (2) (intro.), 341.35 (3m), 341.35 (4), 341.35
6 (5), 341.35 (6), 341.35 (6r) and 341.35 (7); and *to create* 59.58 (7) (a) 2m., 59.58
7 (7) (a) 4., 5. and 6., 59.58 (7) (c) 1. h. and i., 59.58 (7) (e) 3., 59.58 (7) (k), 59.58
8 (7) (L), 59.58 (7) (m), 59.58 (7) (n), 66.0615 (1) (ad), 66.0615 (1) (ge), 66.0615 (1m)
9 (ee), 66.0615 (1m) (em), 66.1041 and 341.35 (9) of the statutes; **relating to:** the
10 southeastern regional transit authority, the creation of interim regional transit
11 authorities in southeast Wisconsin, and requiring the exercise of rule-making
12 authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

For further information see the *state and 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.** 20.395 (5) (iv) of the statutes is amended to read:

2 20.395 (5) (iv) ~~Municipal and county~~ Local vehicle registration fee, local funds.

3 All moneys received under s. 341.35, less the portion of the fee attributable to the
4 department's administrative costs, for the purpose of remitting the ~~municipal or~~
5 ~~county~~ local vehicle registration fee to the municipality ~~or~~, county, or transit
6 authority under s. 341.35 (6).

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7 **SECTION 2.** 59.58 (6) of the statutes, as affected by 2009 Wisconsin Act 28, is
8 repealed.

9 **SECTION 3.** 59.58 (7) (a) 1. of the statutes, as created by 2009 Wisconsin Act 28,
10 is amended to read:

11 59.58 (7) (a) 1. "Authority" Except as used in subd. 2m., "authority" means the
12 southeastern regional transit authority created under this subsection.

13 **SECTION 4.** 59.58 (7) (a) 2m. of the statutes is created to read:

14 59.58 (7) (a) 2m. "Interim regional transit authority" means an authority
15 created under s. 66.1041.

16 **SECTION 5.** 59.58 (7) (a) 4., 5. and 6. of the statutes are created to read:

17 59.58 (7) (a) 4. "Participating political subdivision" means a political
18 subdivision that has adopted a resolution creating an interim regional transit
19 authority or joining an established interim regional transit authority.

20 5. "Political subdivision" has the meaning given in s. 66.1041 (1) (f).

21 6. "Southeast Wisconsin" has the meaning given in s. 66.1041 (1) (h).

1 **SECTION 6.** 59.58 (7) (b) of the statutes, as created by 2009 Wisconsin Act 28,
2 is amended to read:

3 59.58 (7) (b) There is created the southeastern regional transit authority, a
4 public body corporate and politic and a separate governmental entity, ~~consisting~~
5 that, except as provided in par. (n) 4., consists of the counties and cities of Kenosha,
6 Racine, and Milwaukee. This authority may transact business and exercise any
7 powers granted to it under this subsection. ~~The~~ Except as provided in par. (n) 3., the
8 jurisdictional area of this authority is the geographic area formed by the combined
9 territorial boundaries of the counties of Kenosha, Racine, and Milwaukee.

10 **SECTION 7.** 59.58 (7) (c) 1. (intro.) of the statutes, as created by 2009 Wisconsin
11 Act 28, is amended to read:

12 59.58 (7) (c) 1. (intro.) The powers of the authority shall be vested in its board
13 of directors, ~~consisting which, except as provided in par. (n) 5., shall consist~~ of the
14 following members:

15 **SECTION 8.** 59.58 (7) (c) 1. h. and i. of the statutes are created to read:

16 59.58 (7) (c) 1. h. One member from any city with a population of more than
17 60,000, other than a city identified in subd. 1. b., 1. d., or 1. f., that is a participating
18 political subdivision in an interim regional transit authority, appointed by the mayor
19 of the city.

20 i. One member from any county, other than a county identified in subd. 1. a.,
21 1. c., or 1. e., that is a participating political subdivision in an interim regional transit
22 authority, appointed by the chairperson of the county board.

23 **SECTION 9.** 59.58 (7) (d) of the statutes, as created by 2009 Wisconsin Act 28,
24 is amended to read:

SECTION 9

1 59.58 (7) (d) The authority shall have all powers necessary and convenient to
2 plan, create, construct, operate, and manage a KRM commuter rail line. The
3 authority may operate the KRM commuter rail line itself or may contract for a rail
4 service to operate the KRM commuter rail line.

5 **SECTION 10.** 59.58 (7) (e) 2. of the statutes, as created by 2009 Wisconsin Act
6 28, is amended to read:

7 59.58 (7) (e) 2. ~~Retain~~ Except as provided in subd. 3., retain the difference
8 between the amount of the fees imposed under subch. XIII of ch. 77 and the amount
9 of those fees retained under subd. 1. for expenditures related to the KRM commuter
10 rail line, including planning, construction, maintenance, operations, and
11 engineering expenditures.

12 **SECTION 11.** 59.58 (7) (e) 3. of the statutes is created to read:

13 59.58 (7) (e) 3. Provide incentive funds to any interim regional transit authority
14 in compliance with the requirements specified in par. (L). No incentive funds may
15 be provided under this subdivision after December 31, 2011.

16 **SECTION 12.** 59.58 (7) (f) 2. of the statutes, as created by 2009 Wisconsin Act
17 28, is amended to read:

18 59.58 (7) (f) 2. ~~The~~ Except as provided in par. (n) 6., the authority may issue
19 bonds in an aggregate principal amount not to exceed \$50,000,000, excluding bonds
20 issued to refund outstanding bonds issued under this subdivision, for the purpose of
21 providing funds for the anticipated local funding share required for initiating KRM
22 commuter rail line service.

23 **SECTION 13.** 59.58 (7) (f) 4. of the statutes, as created by 2009 Wisconsin Act
24 28, is amended to read:

1 59.58 (7) (f) 4. The bonds of the authority are not a debt of the counties or cities
2 that comprise the authority. Neither these counties, nor cities, nor the state are
3 liable for the payment of the bonds. The bonds of the authority shall be payable only
4 out of funds or properties of the authority. The bonds of the authority shall state the
5 restrictions contained in this subdivision on the face of the bonds.

6 **SECTION 14.** 59.58 (7) (g) of the statutes, as created by 2009 Wisconsin Act 28,
7 is amended to read:

8 59.58 (7) (g) All moneys transferred under s. 59.58 (6) (cg), 2007 stats., shall
9 be used by the authority to assist in the planning of the KRM commuter rail line
10 project.

11 **SECTION 15.** 59.58 (7) (i) of the statutes, as created by 2009 Wisconsin Act 28,
12 is amended to read:

13 59.58 (7) (i) The authority is the only entity in ~~the counties of Milwaukee,~~
14 ~~Racine, and Kenosha~~ southeast Wisconsin that may submit an application for
15 funding to the federal transit administration in the U.S. department of
16 transportation under the federal new starts grant program ~~for funding for the KRM~~
17 ~~commuter rail line.~~ Upon receiving any application for federal funds described in s.
18 66.1041 (5), the authority shall promptly submit the application to the appropriate
19 federal agency for consideration.

20 **SECTION 16.** 59.58 (7) (k) of the statutes is created to read:

21 59.58 (7) (k) 1. The authority may provide nonfinancial transit assistance to
22 any interim regional transit authority, including reviewing the transit plans of the
23 interim regional transit authority.

1 2. If the authority receives federal or state funding intended to ultimately be
2 received by any interim regional transit authority, the authority shall forward this
3 funding to the intended recipient.

4 3. Upon request from any municipality or county considering the creation of an
5 interim regional transit authority, the authority shall assist the municipality or
6 county in determining the amount of incentive funds under par. (L) that the interim
7 regional transit authority would likely receive after its creation.

8 **SECTION 17.** 59.58 (7) (L) of the statutes is created to read:

9 59.58 (7) (L) 1. From the fees identified in par. (e), the authority may provide
10 incentive funds to interim regional transit authorities. Upon application for
11 incentive funds by an interim regional transit authority, the board of directors of the
12 *southeastern regional transit* ← use 4 times
13 authority shall evaluate the application and provide incentive funding in compliance
14 with the provisions of this subsection and the bylaws of the authority.

15 2. The board of directors of the authority may not provide incentive funds to
16 an interim regional transit authority in an amount in excess of the total amount of
17 revenue generated by the interim regional transit authority from all sources
18 identified in s. 66.1041 (2) (c) 2. or \$5,000,000, whichever is less.

19 3. In evaluating and awarding incentive funding under this paragraph, the
20 board of directors of the authority shall apply uniform criteria to all applicants. The
21 board shall consider all of the following factors in evaluating applications by interim
22 regional transit authorities for incentive funds:

23 a. The number of participating political subdivisions in the interim regional
24 transit authority.

25 b. All funding sources providing revenue to the interim regional transit
authority.

1 c. The long-term transit goals for the interim regional transit authority.

2 d. Whether the interim regional transit authority has satisfied any of the
3 requirements under s. 66.1041 (6) (c) and (d) ahead of schedule.

4 4. The bylaws of the ^{southeastern regional transit} authority shall specify a minimum amount of revenue that
5 must be generated by an interim regional transit authority from all sources
6 identified in s. 66.1041 (2) (c) 2. in order to obtain incentive funding under this
7 paragraph.

8 **SECTION 18.** 59.58 (7) (m) of the statutes is created to read:

9 59.58 (7) (m) 1. Beginning on July 1, 2011, from the aids received by the
10 authority under s. 85.20 (4m) (a) 6. e., the authority shall provide incentive funds to
11 interim regional transit authorities to assist interim regional transit authorities in
12 meeting the minimum revenue requirement specified in par. (L) 4.

13 2. The bylaws of the ^{southeastern regional transit} authority shall specify a method, which must be uniformly
14 applicable to all interim regional transit authorities, for determining the amount of
15 incentive funding provided under this paragraph. For each interim regional transit
16 authority receiving incentive funding under both this paragraph and par. (L), the
17 proportion of incentive funding under this paragraph to the incentive funding under
18 par. (L) must be uniform in comparison to all other interim regional transit
19 authorities receiving such incentive funding.

20 **SECTION 19.** 59.58 (7) (n) of the statutes is created to read:

21 59.58 (7) (n) 1. After the department of transportation provides ^a ~~the~~ notice
22 specified in s. 66.1041 (7) (a), the authority shall assist each interim regional transit

23 authority ^a in the winding down process described in s. 66.1041 (7) (b), including
24 assisting in the orderly transfer of assets and property to the southeastern regional
25 transit authority.

identified in the notice

southeastern regional transit

1 2. a. Within 120 days after the department of transportation provides ^athe notice
 2 specified in s. 66.1041 (7) (a), the authority shall assume responsibility for providing
 3 transit service and transit planning within the jurisdictional area of ^{each}every interim
 4 regional transit authority. ^{identified in the notice}In assuming this responsibility, the authority shall have
 5 available all options for providing transit service that were formerly available to the
 6 interim regional transit authority, including those described in s. 66.1041 (4) (a) 1.
 7 and (b) 1., and shall impose the taxes under s. 77.708 (1), if ^{g the}any interim regional
 8 transit authority imposed the taxes and if the ^{southeastern regional transit}authority adopts a resolution to
 9 establish the tax rate. The authority shall have all powers necessary and convenient
 10 to carry out its responsibilities under this subdivision.

11 ^{Each time the} b. ^{if an}authority adopts a resolution to establish the tax rate, as described in
 12 subd. 2. a., it shall deliver a certified copy of the resolution to the department of
 13 revenue at least 120 days before its effective date. The authority may, by adoption
 14 of a resolution by the board of directors, repeal the imposition of the taxes under s.
 15 77.708 and shall deliver a certified copy of the repeal resolution to the department
 16 of revenue at least 120 days before its effective date.

17 ^{Each time} c. ^{if the}authority adopts a resolution as provided in subd. 2. a., it shall specify
 18 to the department of revenue the exact boundaries of the authority's jurisdictional
 19 area. If the boundaries are other than a county line on any side of the authority's
 20 jurisdictional area, the authority shall provide the department with a complete list
 21 of all of the 9-digit zip codes that are entirely within the authority's jurisdictional
 22 area and a complete list of all the street addresses that are within the authority's
 23 jurisdictional area and not included in any 9-digit zip code that is entirely within the
 24 authority's jurisdictional area. The authority shall provide a certified copy of the
 25 information required under this subd. 2. c. to the department, in the manner, format,

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identifying an interim regional transit authority with participating political subdivisions located in Racine County

1 and layout prescribed by the department, at least 120 days prior to the resolution's
2 effective date. If the boundaries of the authority's jurisdictional area subsequently
3 change, the authority shall submit a certified copy of the information required under
4 this subd. 2. c. to the department, in the manner, format, and layout prescribed by
5 the department, at least 120 days prior to the change's effective date.

6 3. a. For all purposes except those specified in subds. 3. b. and c., upon assuming
7 responsibility for transit as provided in subd. 2., the jurisdictional area of the
8 authority shall be the combined jurisdictional areas of all interim regional transit
9 authorities

identified in all notices provided by the department of transportation under s. 66.1041 (7) (a)

10 b. For purposes of s. 77.9971 (1), if part but not all of Racine County is included
11 in the jurisdictional area described in subd. 3. a., the authority's jurisdictional area
12 shall include, in addition to the area in subd. 3. a., all of Racine County unless the
13 board of the authority votes to not impose the fees under subch. XIII of ch. 77 in the
14 part of Racine County that did not become a participating political subdivision in an
15 interim regional transit authority.

southeastern regional transit

16 c. For purposes of imposing the taxes under s. 77.708 (1), the authority's
17 jurisdictional area shall not include the jurisdictional area of any interim regional
18 transit authority that did not impose the taxes under s. 77.708 (1) before the
19 department of transportation provided the notice specified in s. 66.1041 (7) (a).

identifying that interim regional transit authority

20 4. After the department of transportation provides the notice specified in s.
21 66.1041 (7) (a), the authority consists of the participating political subdivisions of all

22 interim regional transit authorities. If Racine County was not a participating
23 political subdivision of an interim regional transit authority at the time that the
24 department of transportation provided the notice specified in s. 66.1041 (7) (a),

25 Racine County may subsequently join the southeastern regional transit authority if

identified in that notice and identified in any prior notice provided by the department under s. 66.1041 (7) (a)

SECTION 19

1 the governing body of Racine County adopts a resolution to join the authority and the
2 board of directors of the authority approves. The bylaws of the authority shall specify
3 the necessary contents of such a resolution.

4 5. After the department of transportation provides the ^{first} notice specified in s.
5 66.1041 (7) (a), all of the following apply with respect to the authority's board of
6 directors:

7 ~~a. The political subdivisions that are members of the authority may adopt
8 identical resolutions providing for representation on the board of directors in
9 proportion to each political subdivision's population.~~

10 a, b. If any member of the board of directors described in par. (c) 1. a. to g. is from
11 a political subdivision that is not a participating political subdivision in an interim
12 regional transit authority, the board of directors may vote to remove that member.

13 b, c. Any member of the board of directors described in par. (c) 1. a. to g. that is
14 from a political subdivision which is not a participating political subdivision in an
15 interim regional transit authority, and that has not been removed under subd. 5. ^a b.,
16 is limited to voting on issues directly related to the KRM commuter rail line.

17 6. After the department of transportation provides the ^{first} notice specified in s.
18 66.1041 (7) (a), in addition to the authorization under par. (f) 2., the authority may
19 use bond proceeds from the bonds issued under par. (f) for the construction of new
20 capital improvements to the authority's transit system or for the acquisition of
21 existing transit systems.

22 **SECTION 20.** 66.0615 (1) (a) of the statutes is renumbered 66.0615 (1) (ah).

23 **SECTION 21.** 66.0615 (1) (ad) of the statutes is created to read:

24 66.0615 (1) (ad) "Authority" has the meaning given in s. 66.1041 (1) (a) for an
25 interim regional transit authority.

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1 **SECTION 22.** 66.0615 (1) (ge) of the statutes is created to read:

2 66.0615 (1) (ge) "Transit authority" has the meaning given in s. 59.58 (7) (a)
3 1. for the southeastern regional transit authority.

4 **SECTION 23.** 66.0615 (1m) (a) of the statutes is amended to read:

5 66.0615 (1m) (a) The governing body of a municipality may enact an
6 ordinance,; and a district, under par. (e), an authority under par. (ee), and a transit
7 authority under par. (em), may adopt a resolution,; imposing a tax on the privilege
8 of furnishing, at retail, except sales for resale, rooms or lodging to transients by
9 hotelkeepers, motel operators and other persons furnishing accommodations that
10 are available to the public, irrespective of whether membership is required for use
11 of the accommodations. A tax imposed under this paragraph is not subject to the
12 selective sales tax imposed by s. 77.52 (2) (a) 1. and may not be imposed on sales to
13 the federal government and persons listed under s. 77.54 (9a). A tax imposed under
14 this paragraph by a municipality shall be paid to the municipality and may be
15 forwarded to a commission if one is created under par. (c), as provided in par. (d).
16 Except as provided in par. (am), a tax imposed under this paragraph by a
17 municipality may not exceed ~~8%~~ 8 percent. Except as provided in par. (am), if a tax
18 greater than ~~8%~~ 8 percent under this paragraph is in effect on May 13, 1994, the
19 municipality imposing the tax shall reduce the tax to ~~8%~~ 8 percent, effective on
20 June 1, 1994.

21 **SECTION 24.** 66.0615 (1m) (ee) of the statutes is created to read:

22 66.0615 (1m) (ee) 1. An authority may adopt a resolution imposing a room tax
23 under par. (a) in an amount not to exceed 8 percent of total room charges. A room
24 tax imposed by an authority under this subdivision applies within the authority's

1 jurisdiction, as specified in s. 66.1041 (2) (d), and the proceeds of the tax may be used
2 for any lawful purpose of the authority.

3 2. An authority adopting a resolution to impose the taxes under subd. 1. shall
4 deliver a certified copy of the resolution to the secretary of revenue at least 120 days
5 before its effective date.

6 3. The department of revenue shall administer the tax that is imposed under
7 par. (a) by an authority and may take any action, conduct any proceeding, and impose
8 interest and penalties. Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (3),
9 (4), (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60,
10 77.61 (2), (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under
11 subch. III of ch. 77, apply to the tax described under subd. 1.

12 4. From the appropriation under s. 20.835 (4) (gg), the department of revenue
13 shall distribute 97.45 percent of the taxes collected under this paragraph for each
14 authority to that authority and shall indicate to the authority the taxes reported by
15 each taxpayer in that authority, no later than the end of the month following the end
16 of the calendar quarter in which the amounts were collected. The taxes distributed
17 shall be increased or decreased to reflect subsequent refunds, audit adjustments,
18 and all other adjustments. Interest paid on refunds of the tax under this paragraph
19 shall be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60
20 (1) (a). Any authority that receives a report along with a payment under this
21 subdivision or subd. 3. is subject to the duties of confidentiality to which the
22 department of revenue is subject under s. 77.61 (5).

23 **SECTION 25.** 66.0615 (1m) (em) of the statutes is created to read:

24 66.0615 (1m) (em) 1. Following the completion of a winding down, dissolution,
25 and transition process described in s. 66.1041 (7), and a transit authority becoming

and that have been identified in a notice under s. 66.1041 (7) (a),

authority's assumption of

1 the successor to the authorities created under s. 66.1041 *and assuming responsibility*
2 for providing transit service and transit planning as described in s. 59.58 (7) (n) 2.,
3 a transit authority may adopt a resolution imposing a room tax under par. (a) in an
4 amount not to exceed 8 percent of total room charges. A room tax imposed by a transit
5 authority under this subdivision applies within the authority's jurisdiction, as
6 specified in subd. 2., and the proceeds of the tax may be used for any lawful purpose
7 of the transit authority.

8 2. a. For all purposes except those specified in subd. 2. b. *and c.*, upon assuming
9 responsibility for transit service and transit planning as described in subd. 1., the
10 jurisdictional area of the transit authority shall be the combined jurisdictional areas
11 of all authorities *identified in any notice provided by the department of*
transportation under s. 66.1041 (7) (a)

~~12 b. For purposes of par. (ee), if part but not all of Racine County is included in
13 the jurisdictional area described in subd. 2. a., the transit authority's jurisdictional
14 area shall include, in addition to the area in subd. 2. a., all of Racine County unless
15 the board of the transit authority votes to not impose the tax under this paragraph
16 in the part of Racine County that did not become a participating political subdivision
17 in an authority.~~

18 *b. c.* For purposes of imposing the taxes under this paragraph, the transit
19 authority's jurisdictional area shall not include the jurisdictional area of any
20 authority that did not impose the taxes under par. (ee) before the department of

21 transportation provided the notice specified in s. 66.1041 (7) (a) *identifying that authority*

22 *3. A* transit authority *adopts* a resolution to impose the taxes under subd. 1., *it*

23 shall deliver a certified copy of the resolution to the secretary of revenue at least 120

24 days before its effective date. *Each time* if the transit authority adopts a resolution as provided
25 in subd. 1., it shall specify to the department of revenue the exact boundaries of the

Each time the

1 transit authority's jurisdictional area. If the boundaries are other than a county line
2 on any side of the transit authority's jurisdictional area, the transit authority shall
3 provide the department with a complete list of all of the 9-digit zip codes that are
4 entirely within the transit authority's jurisdictional area and a complete list of all the
5 street addresses that are within the transit authority's jurisdictional area and not
6 included in any 9-digit zip code that is entirely within the transit authority's
7 jurisdictional area. The transit authority shall provide a certified copy of the
8 information required under this subdivision to the department, in the manner,
9 format, and layout prescribed by the department, at least 120 days prior to the
10 resolution's effective date. If the boundaries of the transit authority's jurisdictional
11 area subsequently change, the transit authority shall submit a certified copy of the
12 information required under this subdivision to the department, in the manner,
13 format, and layout prescribed by the department, at least 120 days prior to the
14 change's effective date.

15 4. Paragraph (ee) 3. and 4., to the extent that it applies to the tax under that
16 paragraph, applies to the tax under this paragraph.

17 **SECTION 26.** 66.1041 of the statutes is created to read:

18 **66.1041 Interim regional transit authorities.** (1) DEFINITIONS. In this
19 section:

20 (a) Except as used in par. (g), "authority" means an interim regional transit
21 authority created under this section.

22 (b) "Comprehensive unified local transit system" means a transit system that
23 is comprised of motor bus lines and any other local public transit facilities, the major
24 portion of which is located within, or the major portion of the service of which is
25 supplied to the inhabitants of, the jurisdictional area of the authority.

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1 (c) "Department" means the department of transportation.

2 (d) "Municipality" means any city, village, or town.

3 (e) "Participating political subdivision" means a political subdivision that has
4 adopted a resolution creating an authority or joining an established authority under
5 this section.

6 (f) "Political subdivision" means a municipality or county.

7 (g) "Southeastern regional transit authority" means the southeastern regional
8 transit authority created under s. 59.58 (7).

9 (h) "Southeast Wisconsin" means the geographical area comprising the
10 counties of Kenosha, Milwaukee, Ozaukee, Washington, Racine, and Waukesha.

11 (i) "Transit system" means all land, shops, structures, equipment, property,
12 franchises, and rights of whatever nature required for transit of passengers within
13 the jurisdictional area of the authority and outside the jurisdictional area of the
14 authority. "Transit system" includes motor buses, fixed guideway transit,
15 ridesharing, specialized transportation, motor vehicles, elevated railroads,
16 subways, underground railroads, and any combination thereof, and any other form
17 of mass transit, but does not include transportation excluded from the definition of
18 "common motor carrier" under s. 194.01 (1), charter or contract operations to, from,
19 or between points that are outside the jurisdictional area of the authority, or travel
20 by aircraft flight.

21 **(2) CREATION OF AUTHORITY.** (a) Subject to pars. (e) and (f), the governing body
22 of a political subdivision in southeast Wisconsin may, by resolution, create an
23 authority consisting of the political subdivision or may join together with one or more
24 other political subdivisions to jointly create, by adopting identical resolutions, an
25 authority. An authority created under this section is a public body corporate and

1 politic and shall be known as an "interim regional transit authority." The authority
2 may transact business and exercise any powers granted to it under this section.

3 (b) 1. Subject to pars. (e) and (f), and except as provided in subd. 2., if an
4 authority has been created under par. (a), a political subdivision may join the
5 authority if the governing body of the political subdivision adopts a resolution
6 identical to the existing resolutions of the authority's participating political
7 subdivisions or, if the authority is created by a single political subdivision, identical
8 to the existing resolution of the authority's participating political subdivision, and
9 if the authority's board of directors adopts a resolution allowing the political
10 subdivision to join the authority. For purposes of determining whether a resolution
11 adopted under this subdivision is identical to an existing resolution of the authority,
12 both the resolutions adopted under par. (a) to create the authority under par. (a) and
13 any modifications to those resolutions under par. (g) shall be considered.

14 2. The resolution of a political subdivision adopted under subd. 1. may differ
15 from each existing resolution by specifying what the composition of the authority's
16 board of directors will be after the political subdivision has joined the authority, but
17 this resolution must be consistent with the authority's bylaws as described in sub.
18 (3) (b) 3. If the authority's board of directors thereafter adopts a resolution allowing
19 the political subdivision to join the authority, the board of directors thereby agrees
20 to the new composition of the authority's board of directors specified in the resolution
21 of the joining political subdivision and any existing resolution is considered modified
22 under par. (g) 2. to reflect this new board composition.

23 (c) Any resolution creating an authority under par. (a) or joining an authority
24 under par. (b) shall specify all of the following:

1 1. Subject to sub. (3) (b), the composition of the authority's board of directors
2 and other matters relating to the selection, terms, and duties of the board of
3 directors.

4 2. All revenue sources on which the authority will rely for funding and the
5 minimum amount of revenue that the authority will commit to satisfy the revenue
6 requirements for the authority specified in this section.

7 (d) 1. Except as provided in subd. 2., the jurisdictional area of an authority is
8 the geographic area formed by the combined territorial boundaries of all
9 participating political subdivisions of the authority.

10 2. If the authority includes a county as a participating political subdivision, the
11 jurisdictional area of the authority includes only that portion of the county that is
12 within the territorial boundaries of municipalities in the county that are also
13 participating political subdivisions except that, for Milwaukee County, the
14 jurisdictional area includes all of Milwaukee County.

15 (e) An authority may be created under par. (a) only if all of the following apply:

16 1. At least one of the political subdivisions creating the authority operated a
17 transit system receiving funding under s. 85.20 on the effective date of this
18 subdivision [LRB inserts date].

19 2. The political subdivision or political subdivisions creating the authority
20 commit to ^{provide}~~providing~~ funding for the authority, upon creation, in an amount of at least
21 the political subdivision's property tax levy contribution to transit as of one year prior
22 to the effective date of this subdivision [LRB inserts date], and also make a
23 commitment that the authority, after creation, will meet the revenue requirements
24 specified in sub. (6) through one or more of the revenue sources identified in par. (c)

25 2.

1 (f) An authority may not include more than one county. An authority may not
2 include municipalities located in different counties.

3 (g) 1. Subject to subds. 2. and 3., if an authority has been created under this
4 subsection, the participating political subdivisions of the authority may amend or
5 modify their resolutions creating or joining the authority if, after any amendment or
6 modification, the resolutions of all participating political subdivisions of the
7 authority remain identical and continue to satisfy the requirements under this
8 subsection.

9 2. If a political subdivision joins an authority under par. (b), the participating
10 political subdivisions of the authority may amend or modify their existing
11 resolutions to accomplish any changes necessary to reflect the addition of the new
12 political subdivision to the authority, including any changes to the composition of the
13 authority's board of directors. In lieu of expressly amending or modifying their
14 existing resolutions, the participating political subdivisions of the authority may
15 also effect changes to the composition of the authority's board of directors, in
16 connection with the addition of a new political subdivision to the authority, by means
17 of the approval process specified in par. (b) 2., in which case the existing resolutions
18 of the participating political subdivisions are considered modified to reflect the new
19 composition of the authority's board of directors.

20 3. In lieu of expressly amending or modifying the existing resolutions of the
21 participating political subdivisions of an authority to reflect changes to the revenue
22 sources specified in par. (c) 2., these changes to the revenue sources relied upon may
23 be made by a vote of the authority's board of directors if, after the changes, the
24 authority continues to satisfy the revenue requirements specified in sub. (6). After

1 such a vote, the existing resolutions of the participating political subdivisions are
2 considered modified to reflect the change in revenue sources.

3 **(3) GOVERNANCE OF AUTHORITY.** (a) The powers of an authority shall be vested
4 in its board of directors. A majority of the board of directors' full authorized
5 membership constitutes a quorum for the purpose of conducting the authority's
6 business and exercising its powers. Action may be taken by the board of directors
7 upon a vote of a majority of the directors present and voting, unless the bylaws of the
8 authority require a larger number.

9 (b) The board of directors of an authority shall be determined as provided in
10 resolutions creating the authority under sub. (2) (a) or joining an existing authority
11 under sub. (2) (b) except that all of the following shall apply:

12 1. The board of directors shall consist of at least 5 members and not more than
13 9 members.

14 2. The board of directors shall include at least one member from the authority's
15 jurisdictional area, appointed by the governor.

16 3. Subject to subs. 1. and 2., the bylaws of the authority shall specify a
17 procedure and guidelines for changing board membership upon the joinder of a
18 political subdivision under sub. (2) (b).

19 4. Notwithstanding subs. 1. to 3., the board of directors of an authority that
20 includes Milwaukee County shall consist of the following members:

21 a. Two members from the authority's jurisdictional area, appointed by the
22 Milwaukee County board chairperson.

23 b. One member from that portion of the authority's jurisdictional area that is
24 outside the city of Milwaukee, appointed by the Milwaukee County board
25 chairperson.

1 c. One member, appointed by the mayor of the city of Milwaukee.

2 d. One member from the authority's jurisdictional area, appointed by the
3 governor.

4 **(4) AUTHORITY POWERS AND DUTIES.** (a) Notwithstanding s. 59.84 (2) and any
5 other provision of this chapter or ch. 59 or 85, an authority shall do all of the
6 following:

7 1. Provide, or contract with existing transit providers for the provision of,
8 transit service within the authority's jurisdictional area, except that an authority
9 that includes Milwaukee County shall contract with the Milwaukee County board
10 for the authority to provide transit service in Milwaukee County.

11 2. Provide transit planning within the authority's jurisdictional area. Each
12 transit plan of the authority shall be submitted to the southeastern regional transit
13 authority.

14 (b) Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch.
15 59 or 85, in addition to the duties specified in par. (a), an authority may do any of the
16 following:

17 1. Acquire a comprehensive unified local transit system by entering into a
18 transfer agreement with the owner of the system.

19 2. Subject to sub. (5), apply for and utilize state and federal funds.

20 **(5) FEDERAL AND STATE AID; INCENTIVE FUNDS.** Any application by an authority
21 for federal or state funding shall first be submitted to the southeastern regional
22 transit authority, which shall then provide the application to the appropriate federal
23 or state agency. If the application results in the receipt of any federal or state funds,
24 those federal or state funds shall first be received by the southeastern regional

1 transit authority, which shall then forward the funds to the authority that provided
2 the application.

3 (6) AUTHORITY REVENUE REQUIREMENTS. (a) An authority may generate revenue
4 by doing any of the following:

5 1. Imposing a local vehicle registration fee under s. 341.35.

6 2. Levying a hotel tax.

7 3. a. Imposing, by the adoption of a resolution by the board of directors, the
8 taxes under s. 77.708, except that no authority may adopt such a resolution until a
9 referendum is held in the authority's jurisdictional area on the question of whether
10 the authority may impose the taxes under s. 77.708 and the referendum is decided
11 in the affirmative. For purposes of an authority that has Milwaukee County as the
12 boundaries of its jurisdictional area, the referendum for imposing sales and use taxes
13 for transit purposes that was approved in 2009 in Milwaukee County satisfies the
14 referendum requirement of this subd. 3. a. If an authority adopts a resolution to
15 impose the taxes, it shall deliver a certified copy of the resolution to the department
16 of revenue at least 120 days before its effective date. The authority may, by adoption
17 of a resolution by the board of directors, repeal the imposition of the taxes under s.
18 77.708 and shall deliver a certified copy of the repeal resolution to the department
19 of revenue at least 120 days before its effective date.

20 b. If the authority adopts a resolution as provided in subd. 3. a., it shall specify
21 to the department of revenue the exact boundaries of the authority's jurisdictional
22 area. If the boundaries are the same as the county lines on all sides of the authority's
23 jurisdictional area, the resolution shall specify the county or counties that comprise
24 the authority's entire jurisdictional area. If the boundaries are other than a county
25 line on any side of the authority's jurisdictional area, the authority shall provide the

1 department with a complete list of all the 9-digit zip codes that are entirely within
 2 the authority's jurisdictional area and a complete list of all the street addresses that
 3 are within the authority's jurisdictional area and not included in any 9-digit zip code
 4 that is entirely within the authority's jurisdictional area. The authority shall
 5 provide a certified copy of the information required under this subd. 3. b. to the
 6 department, in the manner, format, and layout prescribed by the department, at
 7 least 120 days prior to the resolution's effective date. If the boundaries of the
 8 authority's jurisdictional area subsequently change, the authority shall submit a
 9 certified copy of the information required under this subd. 3. b. to the department,
 10 in the manner, format, and layout prescribed by the department, at least 120 days
 11 prior to the change's effective date.

JK
=>

12 4. Charging a membership fee to the participating political subdivisions of the
 13 authority in an amount not to exceed the amount of property taxes that each political
 14 subdivision levied for transit purposes in the year before the year the authority is
 15 created.

16 (b) An authority shall generate revenue equal to the amount required by pars.
 17 (c) and (d). This minimum revenue requirement may be met through funding from
 18 one or a combination of revenue sources identified by resolution under sub. (2) (c) 2.,
 19 including any revenue option under par. (a).

20 (c) 1. Within 2 years after the creation of an authority, the authority shall
 21 generate revenue sufficient to offset a 30 percent reduction in passenger fare
 22 revenues resulting from transit operations or to provide a 2 percent increase in
 23 transit service, or a combination of both, as compared with passenger fare revenues
 24 and transit service as of the time that the authority was created.

1 2. Within 4 years after the creation of an authority, the authority shall generate
2 revenue sufficient to offset a 60 percent reduction in passenger fare revenues
3 resulting from transit operations or to provide a 4 percent increase in transit service,
4 or a combination of both, as compared with passenger fare revenues and transit
5 service as of the time that the authority was created.

6 3. For purposes of this paragraph, a 15 percent reduction in passenger fare
7 revenues is equivalent to a 1 percent increase in transit service, and increases in
8 transit service may be calculated by the increase in either transit service miles or
9 transit service hours.

10 4. Every 2 years after an authority is created under this section, the
11 department shall determine and certify whether the authority has met the
12 requirements specified in this paragraph. In making this determination, the
13 department shall calculate, and make publicly available, the dollar amount of the
14 passenger fare revenue reductions and the transit service mile or hour increases that
15 would be necessary for the authority to satisfy the requirements under subds. 1. and
16 2. In making its calculation and determination under this subdivision, the
17 department shall consider whether, and make allowances for the fact that, any
18 municipality or county joined the authority under sub. (2) (a) after its initial creation.

19 (d) 1. Within 6 years after the creation of an authority, in addition to continuing
20 to satisfy the requirements specified in par. (c), the authority shall improve the
21 interconnectivity of its transit system by linking with other modes of transportation
22 and improving cross-county links.

23 2. The department shall, by rule, establish criteria for determining whether an
24 authority has satisfied the requirement under subd. 1.

1 3. The department shall determine and certify whether an authority has
2 satisfied the requirement specified in subd. 1.

3 (e) 1. Subject to subd. 3., if an authority does not meet the requirements
4 specified in pars. (c) 1. and 2. and (d) within the time limits specified in those
5 provisions, the authority is not eligible for incentive funding provided under s. 59.58
6 (7) (L) or (m).

7 2. Subject to subd. 3., if an authority does not meet the requirements specified
8 in pars. (c) 1. and 2. and (d) within 2 years after the time limits specified in those
9 provisions, the authority shall be dissolved and responsibility for providing transit
10 service and transit planning, as well as all assets, liabilities, rights, and obligations
11 of the authority, shall revert to the participating political subdivisions of the
12 authority.

13 3. If any municipality or county joins an authority under sub. (2) (b) after its
14 initial creation, the department may make allowances for this fact, including
15 delaying or suspending the penalties under subds. 1. and 2. for failure to meet the
16 requirements specified in pars. (c) 1. and 2. and (d). *3 authorities*

17

(7) SUNSET AND TRANSITION. (a) When ~~every authority~~ *a* created under this
18 section ~~has~~ *have* been certified by the department under sub. (6) (d) 3. as having satisfied
19 the requirement specified in sub. (6) (d) 1., the department shall provide notice of this

18

20

fact to every ~~such~~ *a* authority ~~created under this section~~ *created under this section, specifically identifying*
these 3 authorities, and this notice shall be

21

(b) Upon receiving ~~the~~ *a* notice specified in par. (a), each authority ~~created under~~
identified in the notice
22 ~~this section~~ shall begin the process of winding down and dissolving, including taking

→
OVER

23

those actions specified in this subsection, and shall complete this process no later
24 than 120 days after receiving the notice ~~specified in par. (a)~~ *a*. Notwithstanding sub.

24

25

(4), upon receiving ~~the~~ *a* notice specified in par. (a), the duties of ~~the~~ *each* authority shall be

identified in the notice

considered the department's first notice under this paragraph. If any authority created under this section is subsequently certified by the department under sub. (6)(d)3, as having satisfied the requirement specified in subd. (6)(d)1, the department shall provide notice of this fact to ~~any~~ the southeastern regional transit authority and to every authority created under this section, specifically identifying the authority ^{that has been} subsequently certified.

1 limited to winding down and dissolving the authority and facilitating the transition
 2 described in this paragraph. The board of directors of ~~an~~ ^{the} authority ~~created under~~
 3 ~~this section~~ shall assist in good faith in the transition from the authority ~~created~~
 4 ~~under this section~~ to the southeastern regional transit authority. The southeastern
 5 regional transit authority shall be considered the successor to an authority created
 6 under this section, ~~except one that is dissolved as provided in sub. (6) (e) 2.~~ ^{and wound down under this paragraph} As part
 7 of the ~~winding down process for an authority created under this section,~~ ^{authority's} all of the
 8 following shall occur:

9 1. The assets and liabilities of the authority shall become the assets and
 10 liabilities of the southeastern regional transit authority.

11 2. All tangible personal property, including records, of the authority shall be
 12 transferred to the southeastern regional transit authority.

13 3. All contracts entered into by the authority, in effect at the time of winding
 14 down the authority, remain in effect and are transferred to the southeastern regional
 15 transit authority. The southeastern regional transit authority shall carry out any
 16 obligations under such a contract until the contract is modified or rescinded by the
 17 southeastern regional transit authority to the extent allowed under the contract.

18 (c) Any authority ~~created under this section~~ ^{that is identified in a notice under par. (a)} terminates on the 120th day after
 19 the authority receives ~~the~~ ^{that} notice ~~under this section~~.

Insert
AG
25-19

20 **SECTION 27.** 77.708 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
 21 is amended to read:

22 77.708 (1) A transit authority created under s. 59.58, 66.1039, or 66.1041, by
 23 resolution under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) 3., respectively,
 24 may impose a sales tax and a use tax under this subchapter at a rate not to exceed
 25 0.5 percent of the sales price or purchase price. Those taxes may be imposed only in

1 their entirety. The resolution shall be effective on the first day of the first calendar
2 quarter that begins at least 120 days after the adoption of the resolution.

3 **SECTION 28.** 77.708 (2) of the statutes, as created by 2009 Wisconsin Act 28, is
4 amended to read:

5 77.708 (2) Retailers and the department of revenue may not collect a tax under
6 sub. (1) for any transit authority created under s. 59.58, 66.1039, or 66.1041, after
7 the calendar quarter during which the transit authority adopts a repeal resolution
8 under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) 3., respectively, except that
9 the department of revenue may collect from retailers taxes that accrued before such
10 calendar quarter and fees, interest, and penalties that relate to those taxes.

11 **SECTION 29.** 77.9971 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
12 is amended to read:

13 77.9971 (1) The southeastern regional transit authority under s. 59.58 (7) may
14 impose a fee at a rate not to exceed \$18, as adjusted under sub. (2), for each
15 transaction in the authority's jurisdictional area, as described in s. 59.58 (7) (b) and
16 (n) 3., on the rental, but not for rental and not for rental as a service or repair
17 replacement vehicle, of Type 1 automobiles, as defined in s. 340.01 (4) (a), by
18 establishments primarily engaged in short-term rental of passenger cars without
19 drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax
20 under s. 77.54 (1), (4), (7) (a), (7m), (9), or (9a). The fee imposed under this subchapter
21 shall be effective on the first day of the first month that begins at least 90 days after
22 the board of directors of the southeastern regional transit authority approves the
23 imposition of the fee and notifies the department of revenue. The board of directors
24 shall notify the department of a repeal of the fee imposed under this subchapter at
25 least 60 days before the effective date of the repeal.

1 **SECTION 30.** 79.03 (3) (b) 4. a. of the statutes is amended to read:

2 79.03 (3) (b) 4. a. "Local general purpose taxes" means the portion of tax
3 increments collected for payment to a municipality under s. 66.1105 which is
4 attributable to that municipality's own levy, the portion of environmental
5 remediation tax increments collected for payment to a municipality or county under
6 s. 66.1106 that is attributable to that municipality's or county's own levy, general
7 property taxes, excluding taxes for a county children with disabilities education
8 board, collected to finance the general purpose government unit, property taxes
9 collected for sewage and sanitary districts, monthly municipal permit fees under s.
10 66.0435 (3), the proceeds of county sales and use taxes, and ~~municipal and county~~
11 local vehicle registration fees under s. 341.35 (1).

Insert AG
27-11 →

12 **SECTION 31.** 85.11 (1) (a) of the statutes, as created by 2009 Wisconsin Act 28,
13 is amended to read:

14 85.11 (1) (a) "Eligible applicant" means the southeastern regional transit
15 authority under s. 59.58 (7) or an interim regional transit authority created under
16 s. 66.1041.

17 **SECTION 32.** 85.20 (4m) (a) 6. e. of the statutes, as created by 2009 Wisconsin
18 Act 28, is amended to read:

19 85.20 (4m) (a) 6. e. From the appropriation under s. 20.395 (1) (hw), the
20 department may pay the uniform percentage for each eligible applicant for a planned
21 commuter or light rail system that has been enumerated under s. 85.062 (3) and for
22 making payments under s. 59.58 (7) (m). An eligible applicant may not receive aid
23 under subd. 6. cm. or d., 7., or 8. for a commuter rail or light rail transit system.

Insert AG
27-23 →

24 **SECTION 33.** 341.35 (title) of the statutes is amended to read:

25 **341.35** (title) ~~Municipal or county~~ Local vehicle registration fee.

1 **SECTION 34.** 341.35 (1) of the statutes is amended to read:

2 341.35 (1) ANNUAL REGISTRATION FEE. In this section "municipality" means a
3 town, village or city and "motor vehicle" means an automobile or motor truck
4 registered under s. 341.25 (1) (c) at a gross weight of not more than 8,000 pounds.
5 Subject to sub. (9), in this section "authority" means an interim regional transit
6 authority created under s. 66.1041. The governing body of a municipality or county
7 may enact an ordinance imposing an annual flat municipal or county registration fee
8 on all motor vehicles registered in this state which are customarily kept in the
9 municipality or county. The board of directors of an authority may adopt a resolution
10 imposing an annual flat registration fee on all motor vehicles registered in this state
11 which are customarily kept in the jurisdictional area of the authority but the
12 resolution may only be given effect if the resolution is ratified by the electors at a
13 referendum held in the authority's jurisdictional area. A registration fee imposed
14 under this section shall be in addition to state registration fees.

15 **SECTION 35.** 341.35 (2) (intro.) of the statutes is amended to read:

16 341.35 (2) EXEMPTIONS. (intro.) The following vehicles are exempt from any
17 municipal or county local vehicle registration fee under this section:

18 **SECTION 36.** 341.35 (3m) of the statutes is amended to read:

19 341.35 (3m) ~~COUNTY AND MUNICIPAL~~ MULTIPLE LOCAL FEES. If a municipality and
20 the county in which the municipality is located enact ordinances under this section,
21 a motor vehicle customarily kept in the municipality shall be subject to a municipal
22 registration fee and a county registration fee. If an authority imposes a local
23 registration fee under this section, this fee is in addition to any local registration fee
24 imposed by a municipality or county under this section.

25 **SECTION 37.** 341.35 (4) of the statutes is amended to read:

1 341.35 (4) NOTICE OF FEES. The governing body of a municipality or county
2 ~~which enacts a municipal or county, and the board of directors of an authority, that~~
3 imposes a local vehicle registration fee under this section shall notify the department
4 that it has so elected and report the amount of such fee. The municipality ~~or~~, county,
5 or authority shall report any change in such amount to the department. The
6 notification shall be made at the time and in the form prescribed by the department.

7 **SECTION 38.** 341.35 (5) of the statutes is amended to read:

8 341.35 (5) PAYMENT OF FEES. At the time a motor vehicle is first registered or
9 at the time of registration renewal, the applicant shall pay to the department any fee
10 imposed by a county ~~or~~, municipality, or authority under this section in addition to
11 fees required under this chapter.

12 **SECTION 39.** 341.35 (6) of the statutes is amended to read:

13 341.35 (6) DEPARTMENT TO REMIT FEES TO MUNICIPALITIES AND COUNTIES.
14 Beginning July 1, 1984, and annually thereafter, the department shall remit those
15 moneys collected under this section, less administrative costs under sub. (6m), to any
16 municipality ~~or~~, county ~~which~~, or authority that has imposed a fee under this section.
17 The department may by rule provide that the moneys be remitted at more frequent
18 intervals if the department deems it advisable.

19 **SECTION 40.** 341.35 (6r) of the statutes is amended to read:

20 341.35 (6r) USE OF FEE PROCEEDS. Any municipality ~~or~~, county, or authority
21 receiving moneys under sub. (6) shall use the moneys only for transportation related
22 purposes.

23 **SECTION 41.** 341.35 (7) of the statutes is amended to read:

SECTION 41

1 341.35 (7) REPLACEMENTS. No ~~municipal or county~~ local vehicle registration fee
2 may be imposed on a motor vehicle which is a replacement for a motor vehicle for
3 which a current ~~municipal or county~~ local vehicle registration fee has been paid.

4 SECTION 42. 341.35 (9) of the statutes is created to read:

5 341.35 (9) REGIONAL TRANSIT AUTHORITY TRANSITION. If the department provides

6 ^{any} the notice specified in s. 66.1041 (7) (a), all of the following apply:

7 (a) "Authority" in this section shall mean the southeastern regional transit
8 authority under s. 59.58 (7) ^{instead of an interim regional transit}
^{authority identified in any notice provided by}

9 (b) If an interim regional transit authority created under s. 66.1041 imposed
10 a local registration fee under this section prior to the department's notice, that fee
11 shall continue to be imposed, and the southeastern regional transit authority under
12 s. 59.58 (7) shall be the successor to the fee, unless the board of directors of the
13 southeastern regional transit authority votes to modify or terminate the fee.

14 (END)

insert AG 30-14

the department
under s. 66.1041 (7)(c)

under s. 66.1041 (7)(a) identifying
the interim regional transit authority

1 **INSERT AG 2-6:**

2 **SECTION 1.** 32.02 (11) of the statutes, as affected by 2009 Wisconsin Act 28, is
3 amended to read:

4 **32.02 (11)** Any housing authority created under ss. 66.1201 to 66.1211;
5 redevelopment authority created under s. 66.1333; community development
6 authority created under s. 66.1335; local cultural arts district created under subch.
7 V of ch. 229, subject to s. 229.844 (4) (c); local exposition district created under subch.
8 II of ch. 229; or transit authority created under s. 66.1039 or 66.1041 and the
9 southeastern regional transit authority under s. 59.58 (7) to the extent it is the
10 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041.

History: 1971 c. 100 s. 23; 1973 c. 243, 305; 1975 c. 68, 311; 1977 c. 29, 203, 438, 440; 1979 c. 34 s. 2102 (52) (b); 1979 c. 122; 1979 c. 175 s. 53; 1981 c. 86, 346, 374; 1983 a. 27; 1985 a. 29 s. 3200 (51); 1985 a. 30 s. 42; 1985 a. 187; 1985 a. 297 s. 76; 1987 a. 27; 1989 a. 31; 1993 a. 246, 263; 1993 a. 491 s. 284; 1995 a. 27 s. 9126 (19); 1995 a. 201; 1997 a. 204; 1999 a. 65; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 30 s. 108; 2005 a. 335; 2007 a. 20, s. 9121 (6) (a); 2009 a. 28.

11 **SECTION 2.** 32.05 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
12 is amended to read:

13 **32.05 (1) (a)** Except as provided under par. (b), a county board of supervisors
14 or a county highway committee when so authorized by the county board of
15 supervisors, a city council, a village board, a town board, a sewerage commission
16 governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65,
17 the secretary of transportation, a commission created by contract under s. 66.0301,
18 a joint local water authority created by contract under s. 66.0823, a transit authority
19 created under s. 66.1039 or 66.1041 and the southeastern regional transit authority
20 under s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit
21 authority created under s. 66.1041, a housing authority under ss. 66.1201 to 66.1211,
22 a local exposition district created under subch. II of ch. 229, a local cultural arts

1 district created under subch. V of ch. 229, a redevelopment authority under s.
 2 66.1333 or a community development authority under s. 66.1335 shall make an order
 3 providing for the laying out, relocation and improvement of the public highway,
 4 street, alley, storm and sanitary sewers, watercourses, water transmission and
 5 distribution facilities, mass transit facilities, airport, or other transportation
 6 facilities, gas or leachate extraction systems to remedy environmental pollution from
 7 a solid waste disposal facility, housing project, redevelopment project, cultural arts
 8 facilities, exposition center or exposition center facilities which shall be known as the
 9 relocation order. This order shall include a map or plat showing the old and new
 10 locations and the lands and interests required. A copy of the order shall, within 20
 11 days after its issue, be filed with the county clerk of the county wherein the lands are
 12 located or, in lieu of filing a copy of the order, a plat may be filed or recorded in
 13 accordance with s. 84.095.

History: 1971 c. 244, 287, 307; 1973 c. 244; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1975 c. 218, 311, 410, 421; 1977 c. 29, 203, 338; 1977 c. 418 ss. 259, 924 (8m); 1977 c. 438, 440, 447, 449; 1979 c. 310; 1981 c. 282 s. 47; 1981 c. 390 s. 252; 1983 a. 27; 1983 a. 219 ss. 3, 46; 1983 a. 236 s. 13; 1983 a. 249; 1985 a. 29 s. 3200 (51); 1985 a. 135; 1987 a. 378; 1989 a. 31, 89; 1991 a. 32, 39, 316; 1993 a. 246, 263, 301, 453, 491; 1995 a. 417; 1997 a. 184, 282; 1999 a. 32, 65; 1999 a. 150 s. 672; 1999 a. 186; 2003 a. 214; 2005 a. 335, 387; 2009 a. 28.

14 **SECTION 3.** 32.07 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is
 15 amended to read:

16 32.07 (2) The petitioner shall determine necessity if application is by the state
 17 or any commission, department, board or other branch of state government or by a
 18 city, village, town, county, school district, board, commission, public officer,
 19 commission created by contract under s. 66.0301, joint local water authority under
 20 s. 66.0823, transit authority created under s. 66.1039 or 66.1041 and the
 21 southeastern regional transit authority under s. 59.58 (7) to the extent it is the
 22 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041,
 23 redevelopment authority created under s. 66.1333, local exposition district created

1 under subch. II of ch. 229, local cultural arts district created under subch. V of ch.
2 229, housing authority created under ss. 66.1201 to 66.1211 or for the right-of-way
3 of a railroad up to 100 feet in width, for a telegraph, telephone or other electric line,
4 for the right-of-way for a gas pipeline, main or service or for easements for the
5 construction of any elevated structure or subway for railroad purposes.

6 **History:** 1973 c. 305; 1975 c. 68; 1979 c. 175 s. 53; 1981 c. 346; 1983 a. 27; 1985 a. 187; 1993 a. 134, 263; 1997 a. 184, 204; 1999 a. 65; 1999 a. 150 s. 672; 2009 a. 28.

6 **SECTION 4. 40.02 (28)** of the statutes, as affected by 2009 Wisconsin Act 28,

7 section 779, is amended to read:

8 40.02 (28) "Employer" means the state, including each state agency, any
9 county, city, village, town, school district, other governmental unit or
10 instrumentality of 2 or more units of government now existing or hereafter created
11 within the state, any federated public library system established under s. 43.19
12 whose territory lies within a single county with a population of 500,000 or more, a
13 local exposition district created under subch. II of ch. 229, a transit authority created
14 under s. 66.1039 or 66.1041 and the southeastern regional transit authority under
15 s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit
16 authority created under s. 66.1041, and a long-term care district created under s.
17 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). "Employer" does not
18 include a local cultural arts district created under subch. V of ch. 229. Each employer
19 shall be a separate legal jurisdiction for OASDHI purposes.

~~NOTE: NOTE: Sub. (28) is shown as repealed and recreated eff. 1-1-10 by 2009 Wis. Act 28. Prior to 1-1-10 it reads:NOTE:~~

~~(28) "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229, a transit authority created under s. 66.1039, and a long-term care district created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3) and subch. X. "Employer" does not include a local cultural arts district created under subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes.~~

~~History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238; 1999 a. 9, 11, 42, 63, 65, 83; 2001 a. 16, 38, 103, 104, 109; 2003 a. 33; 2005 a. 153, 335; 2007 a. 20, 131, 226; 2009 a. 15, 28.~~

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INSERT AG 10-21:

SECTION 5. 66.0301 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section “municipality” means the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229, transit authority created under s. 66.1039 or 66.1041 and the southeastern regional transit authority under s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041, long-term care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, or city-county health department.

History: 1999 a. 150 ss. 348, 349, 352, 353; 1999 a. 167 s. 38; 2001 a. 16, 30; 2007 a. 20, 43; 2009 a. 28.

INSERT AG 14-16:

SECTION 6. 66.0903 (1) (d) of the statutes, as affected by 2009 Wisconsin Act 28, is amended to read:

66.0903 (1) (d) “Local governmental unit” means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of

1 any of the foregoing or an instrumentality of the state and any of the foregoing.
 2 "Local governmental unit" includes a regional transit authority created under s.
 3 66.1039, an interim regional transit authority created under s. 66.1041, and the
 4 southeastern regional transit authority created under s. 59.58 (7).

NOTE: NOTE: Par. (d) is shown as amended eff. 1-1-10 by 2009 Wis. Act 28. Prior to 1-1-10 it reads: NOTE:

5 (d) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political
 6 subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

History: 1971 c. 154, 307; 1973 c. 181; 1977 c. 29; 1985 a. 159; 1989 a. 56, 228; 1991 a. 316; 1993 a. 112, 399; 1995 a. 27 ss. 3318, 3319, 9130 (4); 1995 a. 215; 1997 a.
 3, 35; 1999 a. 70; 1999 a. 150 s. 335; Stats. 1999 s. 66.0903; 1999 a. 186 ss. 51 to 60; 2009 a. 28.

7
 8 **INSERT AG 25-19:**

9 **SECTION 7.** 70.11 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is
 10 amended to read:

11 **70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.**

12 Property owned by any county, city, village, town, school district, technical college
 13 district, public inland lake protection and rehabilitation district, metropolitan
 14 sewerage district, municipal water district created under s. 198.22, joint local water
 15 authority created under s. 66.0823, transit authority created under s. 59.58 (7) or,
 16 66.1039, or 66.1041, long-term care district under s. 46.2895 or town sanitary
 17 district; lands belonging to cities of any other state used for public parks; land
 18 tax-deeded to any county or city before January 2; but any residence located upon
 19 property owned by the county for park purposes that is rented out by the county for
 20 a nonpark purpose shall not be exempt from taxation. Except as to land acquired
 21 under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after
 22 August 17, 1961, to any such governmental unit or for its benefit while the grantor
 23 or others for his or her benefit are permitted to occupy the land or part thereof in
 24 consideration for the conveyance. Leasing the property exempt under this

1 subsection, regardless of the lessee and the use of the leasehold income, does not
2 render that property taxable.

History: 1971 c. 152, 154, 312; 1973 c. 90; 1973 c. 333 s. 201m; 1973 c. 335 s. 13; 1975 c. 39; 1975 c. 94 s. 91 (10); 1975 c. 199; 1977 c. 29 ss. 745m, 1646 (3), 1647 (5), (7); 1977 c. 83 s. 26; 1977 c. 273, 282, 391, 418, 447; 1979 c. 34 s. 2102 (39) (g); 1979 c. 221, 225; 1979 c. 310 s. 12; 1981 c. 20; 1983 a. 27 ss. 1177, 1178, 1179f; 1983 a. 189 s. 329 (16); 1983 a. 201, 327; 1985 a. 26, 29, 316, 332; 1987 a. 10, 27, 395, 399; 1987 a. 403 s. 256; 1989 a. 25, 31, 307; 1991 a. 37, 39, 269; 1993 a. 263, 307, 399, 490; 1995 a. 27 ss. 3344 to 3348m, 9126 (19); 1995 a. 201, 227, 247, 366; 1997 a. 27, 35, 134, 147, 164, 184, 237; 1999 a. 9, 32, 63, 65; 1999 a. 150 ss. 624, 672; 1999 a. 167, 185; 2001 a. 16, 38, 59, 103; 2003 a. 195, 291; 2005 a. 4, 22, 70, 74, 335; 2007 a. 19; 2007 a. 20 ss. 1932 to 1934f, 9121 (6) (a); 2009 a. 28.

3

4 **SECTION 8.** 71.26 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,
5 is amended to read:

6 71.26 (1) (b) *Political units.* Income received by the United States, the state
7 and all counties, cities, villages, towns, school districts, technical college districts,
8 joint local water authorities created under s. 66.0823, transit authorities created
9 under s. 59.58 (7) ~~or~~, 66.1039, or 66.1041, long-term care districts under s. 46.2895
10 or other political units of this state.

History: 1987 a. 312; 1987 a. 411 ss. 22, 124 to 129; 1989 a. 31, 336; 1991 a. 37, 39, 221, 269; 1993 a. 16, 112, 246, 263, 399, 437, 491; 1995 a. 27, 56, 351, 371, 380, 428; 1997 a. 27, 37, 184, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 1999 a. 167, 194; 2001 a. 16, 38, 106, 109; 2003 a. 33, 85, 99, 135, 255, 326; 2005 a. 25, 74, 335, 361, 362, 479, 483; 2007 a. 20, 96, 97, 151, 226; 2009 a. 2, 28.

11 **SECTION 9.** 77.54 (9a) (er) of the statutes, as created by 2009 Wisconsin Act 28,
12 is amended to read:

13 77.54 (9a) (er) Any transit authority created under s. 59.58 (7) ~~or~~, 66.1039, or
14 66.1041.

History: 1971 c. 64, 154, 215, 311; 1973 c. 90, 156, 240; 1975 c. 39, 96, 102, 146, 200; 1977 c. 29; 1977 c. 83 ss. 13, 26; 1977 c. 250, 368, 418; 1979 c. 1, 34, 87, 174; 1981 c. 20; 1981 c. 79 s. 18; 1981 c. 96 s. 67; 1981 c. 264; 1981 c. 282 s. 47; 1981 c. 317; 1983 a. 27 ss. 1284d to 1284np, 2202 (38); 1983 a. 189 ss. 101, 106, 329 (5), (12), (13); 1983 a. 192, 287, 405, 426, 498, 510, 538, 544; 1985 a. 29, 149, 332; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31, 238, 270, 335, 359; 1991 a. 37, 39, 269, 316; 1993 a. 16, 263, 332; 1995 a. 27, 125, 225, 227; 1997 a. 27, 35, 41, 184, 237, 291; 1999 a. 9, 65, 83; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 16, 103, 109; 2003 a. 99, 128; 2005 a. 25, 74, 141, 149, 335, 366, 479; 2007 a. 11, 19, 20, 97, 130; 2009 a. 2, 28.

15 **INSERT AG 27-11:**

16 **SECTION 10.** 85.063 (3) (b) 1. of the statutes, as affected by 2009 Wisconsin Act
17 28, is amended to read:

18 85.063 (3) (b) 1. Upon completion of a planning study under sub. (2), or, to the
19 satisfaction of the department, of a study under s. 85.022, a political subdivision in
20 a county, or a transit authority created under s. 66.1039 or 66.1041 and the
21 southeastern regional transit authority under s. 59.58 (7) to the extent it is the

1 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041, that
 2 includes the urban area may apply to the department for a grant for property
 3 acquisition for an urban rail transit system.

History: 1979 c. 34; 1983 a. 27; 1991 a. 39; 1993 a. 246; 2009 a. 28.

4 **SECTION 11.** 85.064 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,
 5 is amended to read:

6 85.064 (1) (b) "Political subdivision" means any city, village, town, county,
 7 transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.
 8 66.0301, or transit authority created under s. 66.1039 or 66.1041 within this state
 9 or the southeastern regional transit authority under s. 59.58 (7).

History: 2003 a. 33; 2005 a. 25; 2009 a. 28.

10 **INSERT AG 27-23:**

11 **SECTION 12.** 111.70 (1) (j) of the statutes, as affected by 2009 Wisconsin Act 28,
 12 is amended to read:

13 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
 14 metropolitan sewerage district, school district, long-term care district, transit
 15 authority under s. 59.58 (7) or, 66.1039, or 66.1041, or any other political subdivision
 16 of the state, or instrumentality of one or more political subdivisions of the state, that
 17 engages the services of an employee and includes any person acting on behalf of a
 18 municipal employer within the scope of the person's authority, express or implied,
 19 but specifically does not include a local cultural arts district created under subch. V
 20 of ch. 229.

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253; 2007 a. 20; 2009 a. 15, 21, 28, 34; s. 13.92 (2) (i).

21 **INSERT AG 30-14:**

22 **SECTION 13.** 345.05 (1) (ag) of the statutes, as created by 2009 Wisconsin Act
 23 28, is amended to read:

1 345.05 (1) (ag) "Authority" means a transit authority created under s. 66.1039
 2 or 66.1041 and the southeastern regional transit authority under s. 59.58 (7) to the
 3 extent it is the successor under s. 66.1041 (7) (b) to a transit authority created under
 4 s. 66.1041.

History: 1975 c. 200; 1977 c. 285; 1979 c. 32 s. 92 (5); 1979 c. 221, 323, 355; 1983 a. 189 ss. 252, 329 (7), (31); 1983 a. 192; 1987 a. 377; 1999 a. 9, 85; 1999 a. 150 s. 672; 2001 a. 30; 2003 a. 321; 2009 a. 28.

5 **SECTION 14.** 611.11 (4) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
 6 is amended to read:

7 611.11 (4) (a) In this subsection, "municipality" has the meaning given in s.
 8 345.05 (1) (c), but also includes any transit authority created under s. 66.1039 or
 9 66.1041 and the southeastern regional transit authority under s. 59.58 (7) to the
 10 extent it is the successor under s. 66.1041 (7) (b) to a transit authority created under
 11 s. 66.1041.

History: 1971 c. 260; 1973 c. 243; 1977 c. 346; 1979 c. 102 ss. 236 (6), 237; 1981 c. 390 s. 252; 1995 a. 197; 2003 a. 78; 2009 a. 28.

12 **SECTION 15. Effective dates.** This act takes effect on the day after publication,
 13 except as follows:

14 (1) The treatment of sections 40.02 (28) and 66.0903 (1) (d) of the statutes takes
 15 effect on January 1, 2010, or on the day after publication, whichever is later.

16

Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Monday, October 19, 2009 5:32 PM
To: Gary, Aaron
Cc: Schmiedicke, David P - DOA; Kraus, Jennifer - DOA; Kanninen, Dan - GOV
Subject: RTA Draft Changes

Aaron,

Can you make the following changes to the RTA Draft:

- ✓ AG 1. Remove the \$50 million cap on SERTA bonding authority on p. 4, Line 19.
- ✓ AG 2. Change the jurisdictional area of all interim RTAs so that if an entire county joins an interim RTA, the jurisdiction of the county is the entire county, as is the case for Milwaukee County. This is covered on page 17 lines 10-14.
- ✓ JM 3. Insert a requirement that if the an interim RTA utilizes a sales tax for its funding mechanism, the member subdivisions of the interim RTA must reduce their use of property tax levy for transit by \$0.50 for every \$1.00 of sales tax revenue dedicated to the Interim RTA.
- ✓ JM 4. The interim RTAs must provide at least a 120 day notice to DOR of the imposition or repeal by the Interim RTA of the sales and use tax, and a 120 notice for any changes to its jurisdictional area.

The Governor's office would like to have the changes made and the bill ready for introduction on Wednesday. Please call with any questions or for clarification.

Thanks,

Tyler

Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Tuesday, October 20, 2009 8:35 AM
To: Gary, Aaron
Subject: RE: RTA Draft Changes

Aaron,

Your interpretation of the intent of item two is correct.

Tyler

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, October 20, 2009 8:14 AM
To: Byrnes, Tyler - DOA
Cc: Schmiedicke, David P - DOA; Kraus, Jennifer - DOA; Kanninen, Dan - GOV; Kreye, Joseph - LEGIS; Shovers, Marc - LEGIS
Subject: RE: RTA Draft Changes

Tyler,

Regarding item number 2., I want to be sure the change meets your intent. The reason that Milwaukee is treated differently under the draft is that Milwaukee already has a countywide transit system. If you make the change in item 2., the net effect is that, if the county joins the RTA, the transit area is countywide and the taxing area is countywide, so that the decision of any municipality in the county not to join the RTA will be of no effect. In essence, the county can override the will of virtually all of the municipalities in the county and establish countywide transit and taxing. I assume this is what you want. Let me know if it is not.

Regarding the timing, I cannot promise this by Wed. or even this week. As I mentioned before, I will be out of state from tomorrow thru next Monday and, today being a session day, I may not have any time to work on this before I leave.

Aaron

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

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Monday, October 19, 2009 5:32 PM
To: Gary, Aaron
Cc: Schmiedicke, David P - DOA; Kraus, Jennifer - DOA; Kanninen, Dan - GOV
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10/20/2009

2. Change the jurisdictional area of all interim RTAs so that if an entire county joins an interim RTA, the jurisdiction of the county is the entire county, as is the case for Milwaukee County. This is covered on page 17 lines 10-14.
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The Governor's office would like to have the changes made and the bill ready for introduction on Wednesday. Please call with any questions or for clarification.

Thanks,

Tyler