



State of Wisconsin
2009 - 2010 LEGISLATURE

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LRB-3451/4
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2009 BILL

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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), 32.02 (11), 32.05 (1) (a), 32.07 (2), 40.02 (28), 59.58 (7) (a) 1., 59.58 (7) (b),
3 59.58 (7) (c) 1. (intro.), 59.58 (7) (d), 59.58 (7) (e) 2., 59.58 (7) (f) 2., 59.58 (7) (f)
4 4., 59.58 (7) (g), 59.58 (7) (i), 66.0301 (1) (a), 66.0615 (1m) (a), 66.0903 (1) (d),
5 70.11 (2), 71.26 (1) (b), 77.54 (9a) (er), 77.708 (1), 77.708 (2), 77.9971 (1), 79.03
6 (3) (b) 4. a., 85.063 (3) (b) 1., 85.064 (1) (b), 85.11 (1) (a), 85.20 (4m) (a) 6. e.,
7 111.70 (1) (j), 341.35 (title), 341.35 (1), 341.35 (2) (intro.), 341.35 (3m), 341.35
8 (4), 341.35 (5), 341.35 (6), 341.35 (6r), 341.35 (7), 345.05 (1) (ag) and 611.11 (4)
9 (a); and *to create* 59.58 (7) (a) 2m., 59.58 (7) (a) 4., 5. and 6., 59.58 (7) (c) 1. h.
10 and i., 59.58 (7) (e) 3., 59.58 (7) (k), 59.58 (7) (L), 59.58 (7) (m), 59.58 (7) (n),
11 66.0615 (1) (ad), 66.0615 (1) (ge), 66.0615 (1m) (ee), 66.0615 (1m) (em), 66.1041
12 and 341.35 (9) of the statutes; **relating to:** the southeastern regional transit

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, and making an appropriation

1 authority, the creation of interim regional transit authorities in southeast
2 Wisconsin, and requiring the exercise of rule-making authority

Analysis by the Legislative Reference Bureau

Prior to the Biennial Budget Act, 2009 Wisconsin Act 28 (Act 28), the counties of Kenosha, Racine, and Milwaukee were required to create a Regional Transit Authority (the KRM authority). The KRM authority was responsible for the coordination of transit and commuter rail programs within these three counties but had no authority to manage or operate any transit system. The KRM authority was authorized to impose a rental car transaction fee within these three counties, which fee was to be used to hire staff, conduct studies, and prepare a report to the legislature and the governor, due by November 15, 2008.

Act 28 terminated the KRM authority as of October 1, 2009, and created a successor entity, the Southeastern Regional Transit Authority (SERTA). The SERTA is a public body corporate and politic and a separate governmental entity; it consists of the counties of Kenosha, Racine, and Milwaukee. The jurisdictional area of the SERTA is the geographic area formed by the combined territorial boundaries of the counties of Kenosha, Racine, and Milwaukee. The powers of the SERTA are vested in its board of directors. The SERTA's powers are limited but include all powers necessary and convenient to create, construct, and manage a commuter rail transit system connecting the cities of Kenosha, Racine, and Milwaukee (KRM commuter rail line).

Under current law, upon approval by its board of directors, the SERTA may impose a rental car transaction fee, in the counties of Kenosha, Racine, and Milwaukee, of not more than \$18 per transaction, except that the SERTA's board of directors may have this fee annually adjusted for inflation. From each rental car transaction fee, the SERTA may retain not more than \$2 per transaction for administration of the SERTA and may retain the remainder for expenditures related to the KRM commuter rail line, including planning, construction, maintenance, operations, and engineering expenditures. The SERTA is the only entity in the counties of Milwaukee, Racine, and Kenosha that may submit an application to the Federal Transit Administration under the federal New Starts Grant Program (New Starts application) for funding for the KRM commuter rail line. By July 1, 2010, the SERTA must submit a New Starts application to enter the preliminary engineering phase for the KRM commuter rail line. Transit system operators in Kenosha County and Racine County receiving state transit aids must provide copies of all of their annual and long-term transit plans to the SERTA as these plans become available.

Act 28 also authorized the creation of several new regional transit authorities (RTAs): the Dane County 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. Act 28 also specified the powers and duties of these three RTAs. In brief, for each, the RTA's authority is vested in its board of directors and its bylaws govern its management, operations, and administration. An RTA

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may: operate a transportation system or provide for its operation by contracting with a public or private organization; impose, by its board of directors adopting a resolution, a sales and use tax in the RTA's jurisdictional area at a rate not exceeding 0.5 percent of the sales price if certain conditions are satisfied; acquire property by condemnation; and issue tax-exempt revenue bonds. An RTA has a duty to provide, or contract for the provision of, transit service within the RTA's jurisdictional area. Rates and other charges received by an RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not be transferred to any political subdivision.

This bill authorizes the creation of a new type of RTA known as an Interim Regional Transit Authority (IRTA), which is a public body corporate and politic. The bill also makes significant changes relating to the SERTA.

Under the bill, the governing body of a municipality or county (political subdivision) within the area comprising the counties of Kenosha, Milwaukee, Ozaukee, Washington, Racine, and Waukesha (southeast Wisconsin) may, by resolution, create an IRTA consisting of the political subdivision or may join together with one or more other political subdivisions to jointly create, by adopting identical resolutions, an IRTA. An IRTA may be created only if at least one of the political subdivisions creating the IRTA operated a transit system receiving state transit aids as of the effective date of the bill and each political subdivision creating the IRTA commits to provide certain levels of funding for the IRTA. An IRTA may include no more than one county and all municipalities included in the IRTA must be located within the same county. After an IRTA has been created, a political subdivision within the same county may join the IRTA if the governing body of the political subdivision adopts a resolution identical to the existing resolutions of the IRTA's members (participating political subdivisions) and if the IRTA's board of directors adopts a resolution allowing the political subdivision to join the IRTA. However, the resolution of the joining political subdivision may specify what the composition of the IRTA's board of directors will be after the political subdivision has joined the IRTA and, if the IRTA's board of directors approves the joinder, the IRTA's board of directors thereby agrees to the new composition of the IRTA's board of directors after the joinder.

The jurisdictional area of an IRTA is the geographic area formed by the combined territorial boundaries of all participating political subdivisions of the IRTA. If the IRTA includes a county, the jurisdictional area of the IRTA is the county territorial boundaries. Any resolution creating an IRTA or joining an IRTA must include provisions relating to the IRTA's board of directors and must specify all revenue sources on which the IRTA will rely for funding and the minimum amount of revenue that the IRTA will commit to satisfy the revenue requirements applicable to the IRTA. After an IRTA is created, the participating political subdivisions of the IRTA may amend or modify their resolutions creating or joining the IRTA if they remain identical, although a few changes can be made without the need for formal amendment or modification of the resolutions creating or joining the IRTA.

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Under the bill, an IRTA's powers are vested in its board of directors. With certain limitations, an IRTA's board of directors is determined in the resolutions creating or joining the IRTA. However, the board of directors of an IRTA that includes Milwaukee County is established by statute.

The bill requires an IRTA to do all of the following: 1) provide, or contract with existing transit providers for the provision of, transit service within the IRTA's jurisdictional area, except that a Milwaukee County IRTA must contract with the Milwaukee County board for the IRTA to provide transit service in Milwaukee County; and 2) provide transit planning within the IRTA's jurisdictional area. An IRTA's transit plans must be submitted to SERTA. An IRTA is also authorized to do any of the following: 1) acquire a local transit system by entering into a transfer agreement with the owner of the system; 2) provide, or contract for the provision of, transit service outside the IRTA's jurisdictional area if it would benefit residents within the IRTA's jurisdictional area; and 3) apply for and utilize state and federal funds. If an IRTA applies for federal or state funding, the application must first be submitted to the SERTA, which must then provide the application to the appropriate federal or state agency. If the application results in the receipt of any federal or state funds, those funds must first be received by the SERTA, which must then forward the funds to the IRTA.

Under the bill, an IRTA may generate revenue by doing any of the following: 1) imposing a local motor vehicle registration fee; 2) levying a room tax of up to 8 percent on the privilege of furnishing hotel and motel rooms to transients, similar to the current law room tax that a municipality may impose; 3) imposing, by the adoption of a resolution by the IRTA's board of directors, a sales and use tax if approved in a referendum in the IRTA's jurisdictional area; or 4) charging a membership fee to the participating political subdivisions of the IRTA. An IRTA must generate specified amounts of revenue, from any one or a combination of revenue sources. Within two years after the creation of an IRTA, the IRTA must generate revenue sufficient to offset a 30 percent reduction in passenger fare revenues resulting from transit operations or to provide an 8 percent increase in transit service, or a combination of both, as compared with passenger fare revenues and transit service as of the time that the IRTA was created (phase 2 revenue threshold). Within four years after the creation of the IRTA, the IRTA must generate revenue sufficient to offset a 60 percent reduction in passenger fare revenues resulting from transit operations or to provide a 16 percent increase in transit service, or a combination of both, as compared with passenger fare revenues and transit service as of the time that the IRTA was created (phase 3 revenue threshold). Within six years after its creation, the IRTA, in addition to continuing to meet the phase 2 and phase 3 revenue thresholds, must improve the interconnectivity of its transit system by linking with other modes of transportation and improving cross-county links (phase 4 revenue threshold).

Within two years after the creation of an IRTA, the IRTA must generate revenue sufficient to offset a 30 percent reduction in passenger fare revenues resulting from transit operations or to provide an 8 percent increase in transit service, or a combination of both, as compared with passenger fare revenues and transit service as of the time that the IRTA was created (phase 2 revenue threshold).

Within four years after the creation of the IRTA, the IRTA must generate revenue sufficient to offset a 60 percent reduction in passenger fare revenues resulting from transit operations or to provide a 16 percent increase in transit service, or a combination of both, as compared with passenger fare revenues and transit service as of the time that the IRTA was created (phase 3 revenue threshold).

Within six years after its creation, the IRTA, in addition to continuing to meet the phase 2 and phase 3 revenue thresholds, must improve the interconnectivity of its transit system by linking with other modes of transportation and improving cross-county links (phase 4 revenue threshold).

The bill requires the Department of Transportation (DOT) to determine and certify whether each IRTA has met these revenue thresholds, but, in doing so, DOT must make allowances if a municipality or county has joined an IRTA after its initial creation. Subject to the allowances made by DOT, if an IRTA does not meet these

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revenue thresholds within the applicable time limits, the IRTA is not eligible for incentive funding provided by SERTA (discussed below). Subject to the allowances made by DOT, if an IRTA does not meet these revenue thresholds within two years after the applicable time limits, the IRTA must be dissolved and responsibility for providing transit service and transit planning, as well as all assets, liabilities, rights, and obligations of the IRTA, must revert to the participating political subdivisions of the IRTA.

3 Under the bill, when three IRTAs have been certified by DOT as meeting the phase 3 revenue threshold, DOT must provide notice of this fact to every IRTA created, specifically identifying these three IRTAs. If DOT subsequently certifies any additional IRTA as meeting the phase 3 revenue threshold, DOT must provide notice of this fact to the SERTA and to every IRTA created, specifically identifying the additional IRTA certified as meeting the phase 3 revenue threshold. After DOT provides one of these notices identifying an IRTA, each IRTA identified in the notice must begin the process of winding down and dissolving and must complete this process no later than 120 days after receiving the notice. As part of the IRTA's winding down process, all of the following must occur: 1) the assets and liabilities of the IRTA must become the assets and liabilities of the SERTA; 2) all tangible personal property, including records, of the IRTA must be transferred to the SERTA; and 3) all contracts entered into by the IRTA, in effect at the time of the winding down, are transferred to the SERTA. The SERTA is the successor to the IRTA. The IRTA terminates on the 120th day after the IRTA receives the DOT notice.

The bill makes some modifications relating to the SERTA regardless of whether the SERTA becomes the successor to IRTAs, and it also makes significant changes to the form and function of the SERTA if the SERTA becomes the successor to IRTAs.

The bill makes the following changes to the SERTA, regardless of whether the SERTA becomes the successor to IRTAs:

1. The SERTA consists of both the counties and cities of Kenosha, Racine, and Milwaukee, not just the counties.

* 2. The SERTA's board of directors must include certain members from IRTAs, if they are created, regardless of whether these IRTAs reach their phase 3 revenue thresholds and merge into the SERTA. 3

3. The SERTA may use a portion of the rental car transaction fee it imposes to provide, until June 30, 2011, incentive funds to IRTAs. There are limits on the amount of incentive funds that may be awarded, as well as other criteria and restrictions related to the SERTA's providing these incentive funds.

4. Beginning on July 1, 2011, the SERTA may provide, from state transit aids, incentive funds to IRTAs to assist them in providing transit service in their jurisdictional areas. The SERTA's bylaws must specify a method for providing these incentive funds and the limits and requirements applicable to incentive funds identified in item 3. immediately above also apply these incentive funds.

5. The SERTA may provide nonfinancial transit assistance to any IRTA, including reviewing the transit plans of the IRTA.

* 6. The SERTA may issue revenue bonds in any amount, eliminating the \$50,000,000 bonding limit to \$250,000,000. Issued by SERTA is increased for

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7. The SERTA is the only entity in southeast Wisconsin that may submit a New Starts application for funding for any purpose.

8. The bill clarifies that SERTA may operate the KRM commuter rail line itself or may contract for a rail service to operate the KRM commuter rail line.

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* Under the bill, after at least three IRTAs have been certified by DOT as reaching their phase revenue thresholds, these IRTAs merge into SERTA. As the successor entity to these IRTAs and to any subsequent IRTA that DOT certifies as having reached its phase revenue threshold, the SERTA changes in all of the following ways:

1. As discussed above, the IRTAs' assets and liabilities, personal property, records, and contracts are transferred to the SERTA as the SERTA becomes the IRTAs' successor. The SERTA must assist each IRTA in an orderly transfer.

* 2. Within 120 days after DOT certifies an IRTA as having reached its phase revenue threshold, the SERTA must assume responsibility for providing transit service and transit planning within the old jurisdictional area of the IRTA. In assuming this responsibility, the SERTA has all options for providing transit service that were formerly available to the IRTA and the SERTA must impose sales and use taxes, and may impose a room tax, in the IRTA's old jurisdictional area if the IRTA imposed these taxes and if the SERTA adopts a resolution to establish the tax rate or impose the room tax. The SERTA has all powers necessary and convenient to carry out these responsibilities.

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3. After the SERTA has assumed responsibility for transit as described in item 2. immediately above, the SERTA's jurisdictional area changes to cover only the old jurisdictional areas of all IRTAs to which the SERTA has become the successor. However, for purposes of the rental car transaction fee, if the IRTA included any of Racine County, the SERTA's jurisdictional area includes all of Racine County unless the SERTA's board of directors votes otherwise. Also, for purposes of imposing sales and use taxes and the room tax, the SERTA's jurisdictional area does not include the old jurisdictional area of an IRTA that did not impose sales and use taxes or a room tax.

* 4. After DOT certifies that the first three IRTAs have reached their phase revenue thresholds, and with each certification of an additional IRTA thereafter, the membership of the SERTA changes. Instead of the counties and cities of Kenosha, Racine, and Milwaukee, the members of SERTA are the political subdivisions that were participating political subdivisions in the IRTAs certified by DOT. However, if Racine County was not a participating political subdivision in an IRTA consisting of municipalities located in Racine County, Racine County may still subsequently join the SERTA. The SERTA's board of directors also changes; a director who is not from a political subdivision that was a member of an IRTA may be removed from the board and, if not removed, has limited voting rights.

* 5. After DOT certifies that the first three IRTAs have reached their phase revenue thresholds, the SERTA may use proceeds of its revenue bonds for the additional purposes of constructing new capital improvements to the SERTA's transit system and for acquiring existing transit systems.

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The bill authorizes IRTAs to impose a local motor vehicle registration fee and makes IRTAs eligible to receive grants under DOT's Southeast Wisconsin Transit Capital Assistance Program, created in Act 28. If the SERTA becomes the successor to an IRTA, the SERTA also succeeds to any local motor vehicle registration fee imposed by the IRTA. The SERTA is already eligible, under current law, for DOT's Southeast Wisconsin Transit Capital Assistance Program.

Under the bill, certain provisions of current law that apply to the Dane County RTA, the Chippewa Valley RTA, and the Chequamegon Bay RTA also apply to IRTAs, including the following:

1. An IRTA has authority to acquire property by condemnation.
2. Employees of an IRTA are participatory employees under the Wisconsin Retirement System (WRS) if the IRTA elects to join the WRS.
3. Employees of an IRTA are covered by the the Municipal Employment Relations Act, under which all matters relating to wages, hours, and conditions of employment are subject to collective bargaining and all municipal employees are expressly granted the right to self-organize and to bargain collectively through a representative of their choice.
4. An IRTA is a "local governmental unit" for purposes of the prevailing wage and hour law. Under current law, certain workers employed on a public works project contracted by a local governmental unit must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located, as determined by the Department of Workforce Development, and may not be required or permitted to work more than ten hours per day and 40 hours per week, unless they are paid 1.5 times their basic rate of pay for all hours worked in excess of those hours.
5. An IRTA is treated like municipalities, counties, and other political subdivisions for purposes of claims and liability resulting from the negligent operation of a motor vehicle and may participate in organizing municipal insurance mutuals to provide insurance and risk management services.
6. An IRTA may enter into intergovernmental cooperation contracts with other governmental units.
7. IRTA property is not subject to state and local property taxes.
8. An IRTA is eligible for urban rail transit system grants and commuter rail transit system development grants from DOT.

If the SERTA becomes the successor to an IRTA, these provisions also apply to the SERTA.

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:

SECTION 1. 20.395 (5) (iv) of the statutes is amended to read:

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1 20.395 (5) (iv) ~~Municipal and county~~ Local vehicle registration fee, local funds.
2 All moneys received under s. 341.35, less the portion of the fee attributable to the
3 department's administrative costs, for the purpose of remitting the ~~municipal or~~
4 ~~county~~ local vehicle registration fee to the municipality ~~or, county,~~ or transit
5 authority under s. 341.35 (6).

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

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

15 **SECTION 3.** 32.05 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
16 is amended to read:

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

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

15 **SECTION 4.** 32.07 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is
16 amended to read:

17 32.07 (2) The petitioner shall determine necessity if application is by the state
18 or any commission, department, board or other branch of state government or by a
19 city, village, town, county, school district, board, commission, public officer,
20 commission created by contract under s. 66.0301, joint local water authority under
21 s. 66.0823, transit authority created under s. 66.1039 or 66.1041 and the
22 southeastern regional transit authority under s. 59.58 (7) to the extent it is the
23 successor under s. 66.1041 (7) (b) to a transit authority created under s. 66.1041,
24 redevelopment authority created under s. 66.1333, local exposition district created
25 under subch. II of ch. 229, local cultural arts district created under subch. V of ch.

BILL**SECTION 4**

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

5 **SECTION 5.** 40.02 (28) of the statutes, as affected by 2009 Wisconsin Act 28,
6 section 779, is amended to read:

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

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

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

23 59.58 (7) (a) 1. ~~"Authority"~~ Except as used in subd. 2m., "authority" means the
24 southeastern regional transit authority created under this subsection.

25 **SECTION 8.** 59.58 (7) (a) 2m. of the statutes is created to read:

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1 59.58 (7) (a) 2m. “Interim regional transit authority” means an authority
2 created under s. 66.1041.

3 **SECTION 9.** 59.58 (7) (a) 4., 5. and 6. of the statutes are created to read:

4 59.58 (7) (a) 4. “Participating political subdivision” means a political
5 subdivision that has adopted a resolution creating an interim regional transit
6 authority or joining an established interim regional transit authority.

7 5. “Political subdivision” has the meaning given in s. 66.1041 (1) (f).

8 6. “Southeast Wisconsin” has the meaning given in s. 66.1041 (1) (h).

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

11 59.58 (7) (b) There is created the southeastern regional transit authority, a
12 public body corporate and politic and a separate governmental entity, ~~consisting~~
13 that, except as provided in par. (n) 4., consists of the counties and cities of Kenosha,
14 Racine, and Milwaukee. This authority may transact business and exercise any
15 powers granted to it under this subsection. ~~The~~ Except as provided in par. (n) 3., the
16 jurisdictional area of this authority is the geographic area formed by the combined
17 territorial boundaries of the counties of Kenosha, Racine, and Milwaukee.

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

20 59.58 (7) (c) 1. (intro.) The powers of the authority shall be vested in its board
21 of directors, ~~consisting~~ which, except as provided in par. (n) 5., shall consist of the
22 following members:

23 **SECTION 12.** 59.58 (7) (c) 1. h. and i. of the statutes are created to read:

24 59.58 (7) (c) 1. h. One member from any city with a population of more than
25 60,000, other than a city identified in subd. 1. b., 1. d., or 1. f., that is a participating

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SECTION 12

1 political subdivision in an interim regional transit authority, appointed by the mayor
2 of the city.

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

6 **SECTION 13.** 59.58 (7) (d) of the statutes, as created by 2009 Wisconsin Act 28,
7 is amended to read: *strike*

8 **59.58 (7) (d)** ~~The~~ *Subject to par. (n) 7., the* authority shall have all powers necessary and convenient to
9 plan, create, construct, operate, and manage a KRM commuter rail line. The
10 authority may operate the KRM commuter rail line itself or may contract for a rail
11 service to operate the KRM commuter rail line.

12 **SECTION 14.** 59.58 (7) (e) 2. of the statutes, as created by 2009 Wisconsin Act
13 28, is amended to read:

14 59.58 (7) (e) 2. ~~Retain~~ Except as provided in subd. 3., retain the difference
15 between the amount of the fees imposed under subch. XIII of ch. 77 and the amount
16 of those fees retained under subd. 1. for expenditures related to the KRM commuter
17 rail line, including planning, construction, maintenance, operations, and
18 engineering expenditures.

19 **SECTION 15.** 59.58 (7) (e) 3. of the statutes is created to read:

20 59.58 (7) (e) 3. Provide incentive funds to any interim regional transit authority
21 in compliance with the requirements specified in par. (L). No incentive funds may
22 be provided under this subdivision after June 30, 2011.

23 **SECTION 16.** 59.58 (7) (f) 2. of the statutes, as created by 2009 Wisconsin Act
24 28, is amended to read:

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

6 **SECTION 17.** 59.58 (7) (f) 4. of the statutes, as created by 2009 Wisconsin Act
 7 28, is amended to read:

8 59.58 (7) (f) 4. The bonds of the authority are not a debt of the counties or cities
 9 that comprise the authority. Neither these counties, nor cities, nor the state are
 10 liable for the payment of the bonds. The bonds of the authority shall be payable only
 11 out of funds or properties of the authority. The bonds of the authority shall state the
 12 restrictions contained in this subdivision on the face of the bonds.

13 **SECTION 18.** 59.58 (7) (g) of the statutes, as created by 2009 Wisconsin Act 28,
 14 is amended to read:

15 59.58 (7) (g) All moneys transferred under s. 59.58 (6) (cg), 2007 stats., shall
 16 be used by the authority to assist in the planning of the KRM commuter rail line
 17 project.

18 **SECTION 19.** 59.58 (7) (i) of the statutes, as created by 2009 Wisconsin Act 28,
 19 is amended to read:

20 59.58 (7) (i) The authority is the only entity in ~~the counties of Milwaukee,~~
 21 Racine, and Kenosha southeast Wisconsin that may submit an application for
 22 funding to the federal transit administration in the U.S. department of
 23 transportation under the federal new starts grant program ~~for funding for the KRM~~
 24 commuter rail line. Upon receiving any application for federal funds described in s.

BILL**SECTION 19**

1 66.1041 (5), the authority shall promptly submit the application to the appropriate
2 federal agency for consideration.

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

4 59.58 (7) (k) 1. The authority may provide nonfinancial transit assistance to
5 any interim regional transit authority, including reviewing the transit plans of the
6 interim regional transit authority.

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

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

14 **SECTION 21.** 59.58 (7) (L) of the statutes is created to read:

15 59.58 (7) (L) 1. From the fees identified in par. (e), the authority may provide
16 incentive funds to interim regional transit authorities. Upon application for
17 incentive funds by an interim regional transit authority, the board of directors of the
18 southeastern regional transit authority shall evaluate the application and provide
19 incentive funding in compliance with the provisions of this subsection and the bylaws
20 of the southeastern regional transit authority. No incentive funds may be provided
21 under this paragraph after June 30, 2011.

22 2. The board of directors of the southeastern regional transit authority may not
23 provide incentive funds to an interim regional transit authority in an amount in
24 excess of the total amount of revenue generated by the interim regional transit

BILL

1 authority from all sources identified in s. 66.1041 (2) (c) 2. or \$5,000,000, whichever
2 is less.

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

7 a. The number of participating political subdivisions in the interim regional
8 transit authority.

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

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

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

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

18 **SECTION 22.** 59.58 (7) (m) of the statutes is created to read:

19 59.58 (7) (m) 1. Beginning on July 1, 2011, from the aids received by the
20 authority under s. 85.20 (4m) (a) 6. ^f, the authority shall provide incentive funds to
21 interim regional transit authorities to assist interim regional transit authorities in
22 providing transit service in their jurisdictional areas.

23 2. The bylaws of the southeastern regional transit authority shall specify a
24 method for determining the amount of incentive funding provided under this
25 paragraph. Incentive funds provided under this paragraph shall be subject to the

BILL**SECTION 22**

1 same requirements and limitations specified in par. (L) 2. and 3. for incentive funds
2 provided under that paragraph, and the bylaws described in this subdivision shall
3 include the same information specified in par. (L) 4. for incentive funds provided
4 under that paragraph.

5 **SECTION 23.** 59.58 (7) (n) of the statutes is created to read:

6 59.58 (7) (n) 1. After the department of transportation provides a notice
7 specified in s. 66.1041 (7) (a), the authority shall assist each interim regional transit
8 authority identified in the notice in the winding down process described in s. 66.1041
9 (7) (b), including assisting in the orderly transfer of assets and property to the
10 southeastern regional transit authority.

11 2. a. Within 120 days after the department of transportation provides a notice
12 specified in s. 66.1041 (7) (a), the southeastern regional transit authority shall
13 assume responsibility for providing transit service and transit planning within the
14 jurisdictional area of each interim regional transit authority identified in the notice
15 and, as applicable, within the area described in s. 66.1041 (4) (b) 3. serviced by each
16 such interim regional transit authority. In assuming this responsibility, the
17 southeastern regional transit authority shall have available all options for providing
18 transit service that were formerly available to the interim regional transit authority,
19 including those described in s. 66.1041 (4) (a) 1. and (b) 1. and 3., and shall impose
20 the taxes under s. 77.708 (1), if the interim regional transit authority identified in
21 the notice imposed the taxes and if the southeastern regional transit authority
22 adopts a resolution to establish the tax rate. The southeastern regional transit
23 authority shall have all powers necessary and convenient to carry out its
24 responsibilities under this subdivision.

BILL

1 b. Each time the southeastern regional transit authority adopts a resolution
2 to establish the tax rate, as described in subd. 2. a., it shall deliver a certified copy
3 of the resolution to the department of revenue at least 120 days before its effective
4 date. The authority may, by adoption of a resolution by the board of directors, repeal
5 the imposition of the taxes under s. 77.708 and shall deliver a certified copy of the
6 repeal resolution to the department of revenue at least 120 days before its effective
7 date.

8 c. Each time the southeastern regional transit authority adopts a resolution as
9 provided in subd. 2. a., it shall specify to the department of revenue the exact
10 boundaries of the authority's jurisdictional area. If the boundaries are other than
11 a county line on any side of the authority's jurisdictional area, the authority shall
12 provide the department with a complete list of all of the 9-digit zip codes that are
13 entirely within the authority's jurisdictional area and a complete list of all the street
14 addresses that are within the authority's jurisdictional area and not included in any
15 9-digit zip code that is entirely within the authority's jurisdictional area. The
16 authority shall provide a certified copy of the information required under this subd.
17 2. c. to the department, in the manner, format, and layout prescribed by the
18 department, at least 120 days prior to the resolution's effective date. If the
19 boundaries of the authority's jurisdictional area subsequently change, the authority
20 shall submit a certified copy of the information required under this subd. 2. c. to the
21 department, in the manner, format, and layout prescribed by the department, at
22 least 120 days prior to the change's effective date.

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

BILL**SECTION 23**

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

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

9 c. For purposes of imposing the taxes under s. 77.708 (1), the southeastern
10 regional transit authority's jurisdictional area shall not include the jurisdictional
11 area of any interim regional transit authority that did not impose the taxes under
12 s. 77.708 (1) before the department of transportation provided the notice specified in
13 s. 66.1041 (7) (a) identifying that interim regional transit authority.

14 4. After the department of transportation provides any notice specified in s.
15 66.1041 (7) (a), the southeastern regional transit authority consists of the
16 participating political subdivisions of all interim regional transit authorities
17 identified in that notice and identified in any prior notice provided by the department
18 under s. 66.1041 (7) (a). If Racine County was not a participating political
19 subdivision of an interim regional transit authority at the time that the department
20 of transportation provided the notice specified in s. 66.1041 (7) (a) identifying an
21 interim regional transit authority with participating political subdivisions located
22 in Racine County, Racine County may subsequently join the southeastern regional
23 transit authority if the governing body of Racine County adopts a resolution to join
24 the authority and the board of directors of the authority approves. The bylaws of the
25 authority shall specify the necessary contents of such a resolution.

BILL

1 5. After the department of transportation provides the first notice specified in
2 s. 66.1041 (7) (a), all of the following apply with respect to the authority's board of
3 directors:

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

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

11 6. After the department of transportation provides the first notice specified in
12 s. 66.1041 (7) (a), in addition to the authorization under par. (f) 2., the authority may
13 use bond proceeds from the bonds issued under par. (f) for the construction of new
14 capital improvements to the authority's transit system or for the acquisition of
15 existing transit systems.

16 **SECTION 24.** 66.0301 (1) (a) of the statutes, as affected by 2009 Wisconsin Act
17 28, is amended to read:

18 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
19 "municipality" means the state or any department or agency thereof, or any city,
20 village, town, county, school district, public library system, public inland lake
21 protection and rehabilitation district, sanitary district, farm drainage district,
22 metropolitan sewerage district, sewer utility district, solid waste management
23 system created under s. 59.70 (2), local exposition district created under subch. II of
24 ch. 229, local professional baseball park district created under subch. III of ch. 229,
25 local professional football stadium district created under subch. IV of ch. 229, local

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19-15 →

BILL**SECTION 24**

1 cultural arts district created under subch. V of ch. 229, transit authority created
2 under s. 66.1039 or 66.1041 and the southeastern regional transit authority under
3 s. 59.58 (7) to the extent it is the successor under s. 66.1041 (7) (b) to a transit
4 authority created under s. 66.1041, long-term care district under s. 46.2895, water
5 utility district, mosquito control district, municipal electric company, county or city
6 transit commission, commission created by contract under this section, taxation
7 district, regional planning commission, or city-county health department.

8 **SECTION 25.** 66.0615 (1) (a) of the statutes is renumbered 66.0615 (1) (ah).

9 **SECTION 26.** 66.0615 (1) (ad) of the statutes is created to read:

10 66.0615 (1) (ad) "Authority" has the meaning given in s. 66.1041 (1) (a) for an
11 interim regional transit authority.

12 **SECTION 27.** 66.0615 (1) (ge) of the statutes is created to read:

13 66.0615 (1) (ge) "Transit authority" has the meaning given in s. 59.58 (7) (a)
14 1. for the southeastern regional transit authority.

15 **SECTION 28.** 66.0615 (1m) (a) of the statutes is amended to read:

16 66.0615 (1m) (a) The governing body of a municipality may enact an
17 ordinance,; and a district, under par. (e), an authority under par. (ee), and a transit
18 authority under par. (em), may adopt a resolution,; imposing a tax on the privilege
19 of furnishing, at retail, except sales for resale, rooms or lodging to transients by
20 hotelkeepers, motel operators and other persons furnishing accommodations that
21 are available to the public, irrespective of whether membership is required for use
22 of the accommodations. A tax imposed under this paragraph is not subject to the
23 selective sales tax imposed by s. 77.52 (2) (a) 1. and may not be imposed on sales to
24 the federal government and persons listed under s. 77.54 (9a). A tax imposed under
25 this paragraph by a municipality shall be paid to the municipality and may be

BILL

1 forwarded to a commission if one is created under par. (c), as provided in par. (d).
2 Except as provided in par. (am), a tax imposed under this paragraph by a
3 municipality may not exceed ~~8%~~ 8 percent. Except as provided in par. (am), if a tax
4 greater than ~~8%~~ 8 percent under this paragraph is in effect on May 13, 1994, the
5 municipality imposing the tax shall reduce the tax to ~~8%~~ 8 percent, effective on
6 June 1, 1994.

7 **SECTION 29.** 66.0615 (1m) (ee) of the statutes is created to read:

8 66.0615 (1m) (ee) 1. An authority may adopt a resolution imposing a room tax
9 under par. (a) in an amount not to exceed 8 percent of total room charges. A room
10 tax imposed by an authority under this subdivision applies within the authority's
11 jurisdiction, as specified in s. 66.1041 (2) (d), and the proceeds of the tax may be used
12 for any lawful purpose of the authority.

13 2. An authority adopting a resolution to impose the taxes under subd. 1., or
14 adopting a resolution to discontinue the collection of such taxes, shall deliver a
15 certified copy of the resolution to the secretary of revenue at least 120 days before its
16 effective date.

17 3. The department of revenue shall administer the tax that is imposed under
18 par. (a) by an authority and may take any action, conduct any proceeding, and impose
19 interest and penalties. Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (3),
20 (4), (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60,
21 77.61 (2), (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under
22 subch. III of ch. 77, apply to the tax described under subd. 1.

23 4. From the appropriation under s. 20.835 (4) (gg), the department of revenue
24 shall distribute 97.45 percent of the taxes collected under this paragraph for each
25 authority to that authority and shall indicate to the authority the taxes reported by

BILL**SECTION 29**

1 each taxpayer in that authority, no later than the end of the month following the end
2 of the calendar quarter in which the amounts were collected. The taxes distributed
3 shall be increased or decreased to reflect subsequent refunds, audit adjustments,
4 and all other adjustments. Interest paid on refunds of the tax under this paragraph
5 shall be paid from the appropriation under s. 20.835 (4) (gg) at the rate under s. 77.60
6 (1) (a). Any authority that receives a report along with a payment under this
7 subdivision or subd. 3. is subject to the duties of confidentiality to which the
8 department of revenue is subject under s. 77.61 (5).

9 **SECTION 30.** 66.0615 (1m) (em) of the statutes is created to read:

10 66.0615 (1m) (em) 1. Following the completion of a winding down, dissolution,
11 and transition process described in s. 66.1041 (7), and a transit authority becoming
12 the successor to the authorities that were created under s. 66.1041 and that have
13 been identified in a notice under s. 66.1041 (7) (a), and following a transit authority's
14 assumption of responsibility for providing transit service and transit planning as
15 described in s. 59.58 (7) (n) 2., a transit authority may adopt a resolution imposing
16 a room tax under par. (a) in an amount not to exceed 8 percent of total room charges.
17 A room tax imposed by a transit authority under this subdivision applies within the
18 authority's jurisdiction, as specified in subd. 2., and the proceeds of the tax may be
19 used for any lawful purpose of the transit authority.

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

BILL

1 b. For purposes of imposing the taxes under this paragraph, the transit
2 authority's jurisdictional area shall not include the jurisdictional area of any
3 authority that did not impose the taxes under par. (ee) before the department of
4 transportation provided the notice specified in s. 66.1041 (7) (a) identifying that
5 authority.

6 3. Each time the transit authority adopts a resolution to impose the taxes under
7 subd. 1., or adopts a resolution to discontinue the collection of such taxes, it shall
8 deliver a certified copy of the resolution to the secretary of revenue at least 120 days
9 before its effective date. Each time the transit authority adopts a resolution as
10 provided in subd. 1., it shall specify to the department of revenue the exact
11 boundaries of the transit authority's jurisdictional area. If the boundaries are other
12 than a county line on any side of the transit authority's jurisdictional area, the
13 transit authority shall provide the department with a complete list of all of the
14 9-digit zip codes that are entirely within the transit authority's jurisdictional area
15 and a complete list of all the street addresses that are within the transit authority's
16 jurisdictional area and not included in any 9-digit zip code that is entirely within the
17 transit authority's jurisdictional area. The transit authority shall provide a certified
18 copy of the information required under this subdivision to the department, in the
19 manner, format, and layout prescribed by the department, at least 120 days prior to
20 the resolution's effective date. If the boundaries of the transit authority's
21 jurisdictional area subsequently change, the transit authority shall submit a
22 certified copy of the information required under this subdivision to the department,
23 in the manner, format, and layout prescribed by the department, at least 120 days
24 prior to the change's effective date.

BILL

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

3 **SECTION 31.** 66.0903 (1) (d) of the statutes, as affected by 2009 Wisconsin Act
4 28, is amended to read:

5 66.0903 (1) (d) "Local governmental unit" means a political subdivision of this
6 state, a special purpose district in this state, an instrumentality or corporation of
7 such a political subdivision or special purpose district, a combination or subunit of
8 any of the foregoing or an instrumentality of the state and any of the foregoing.
9 "Local governmental unit" includes a regional transit authority created under s.
10 66.1039, an interim regional transit authority created under s. 66.1041, and the
11 southeastern regional transit authority created under s. 59.58 (7).

12 **SECTION 32.** 66.1041 of the statutes is created to read:

13 **66.1041 Interim regional transit authorities. (1) DEFINITIONS.** In this
14 section:

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

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

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

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

23 (e) "Participating political subdivision" means a political subdivision that has
24 adopted a resolution creating an authority or joining an established authority under
25 this section.

BILL

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

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

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

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

16 **(2) CREATION OF AUTHORITY.** (a) Subject to pars. (e) and (f), the governing body
17 of a political subdivision in southeast Wisconsin may, by resolution, create an
18 authority consisting of the political subdivision or may join together with one or more
19 other political subdivisions to jointly create, by adopting identical resolutions, an
20 authority. An authority created under this section is a public body corporate and
21 politic and shall be known as an "interim regional transit authority." The authority
22 may transact business and exercise any powers granted to it under this section.

23 (b) 1. Subject to par. (f), and except as provided in subd. 2., if an authority has
24 been created under par. (a), a political subdivision may join the authority if the
25 governing body of the political subdivision adopts a resolution identical to the

BILL**SECTION 32**

1 existing resolutions of the authority's participating political subdivisions or, if the
2 authority is created by a single political subdivision, identical to the existing
3 resolution of the authority's participating political subdivision, and if the authority's
4 board of directors adopts a resolution allowing the political subdivision to join the
5 authority. For purposes of determining whether a resolution adopted under this
6 subdivision is identical to an existing resolution of the authority, both the resolutions
7 adopted under par. (a) to create the authority and any modifications to those
8 resolutions under par. (g) shall be considered.

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

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

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

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

BILL

1 (d) The jurisdictional area of an authority is the geographic area formed by the
2 combined territorial boundaries of all participating political subdivisions of the
3 authority. If the authority includes a county as a participating political subdivision,
4 the jurisdictional area of the authority is the territorial boundaries of the county.

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

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

9 2. The political subdivision or political subdivisions creating the authority
10 commit to provide funding for the authority, upon creation, in an amount of at least
11 the political subdivision's property tax levy contribution to transit as of one year prior
12 to the effective date of this subdivision [LRB inserts date], and also make a
13 commitment that the authority, after creation, will meet the revenue requirements
14 specified in sub. (6) through one or more of the revenue sources identified in par. (c)
15 2.

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

18 (g) 1. Subject to subs. 2. and 3., if an authority has been created under this
19 subsection, the participating political subdivisions of the authority may amend or
20 modify their resolutions creating or joining the authority if, after any amendment or
21 modification, the resolutions of all participating political subdivisions of the
22 authority remain identical and continue to satisfy the requirements under this
23 subsection.

24 2. If a political subdivision joins an authority under par. (b), the participating
25 political subdivisions of the authority may amend or modify their existing

BILL**SECTION 32**

1 resolutions to accomplish any changes necessary to reflect the addition of the new
2 political subdivision to the authority, including any changes to the composition of the
3 authority's board of directors. In lieu of expressly amending or modifying their
4 existing resolutions, the participating political subdivisions of the authority may
5 also effect changes to the composition of the authority's board of directors, in
6 connection with the addition of a new political subdivision to the authority, by means
7 of the approval process specified in par. (b) 2., in which case the existing resolutions
8 of the participating political subdivisions are considered modified to reflect the new
9 composition of the authority's board of directors.

10 3. In lieu of expressly amending or modifying the existing resolutions of the
11 participating political subdivisions of an authority to reflect changes to the revenue
12 sources specified in par. (c) 2., these changes to the revenue sources relied upon may
13 be made by a vote of the authority's board of directors if, after the changes, the
14 authority continues to satisfy the revenue requirements specified in sub. (6). After
15 such a vote, the existing resolutions of the participating political subdivisions are
16 considered modified to reflect the change in revenue sources.

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

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

BILL

1 1. The board of directors shall consist of at least 5 members and not more than
2 9 members.

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

5 3. Subject to subds. 1. and 2., the bylaws of the authority shall specify a
6 procedure and guidelines for changing board membership upon the joinder of a
7 political subdivision under sub. (2) (b).

8 4. Notwithstanding subds. 1. to 3., the board of directors of an authority that
9 includes Milwaukee County shall consist of the following members:

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

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

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

16 d. One member from the authority's jurisdictional area, appointed by the
17 governor.

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

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

BILL**SECTION 32**

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

4 (b) Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch.
5 59 or 85, in addition to the duties specified in par. (a), an authority may do any of the
6 following:

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

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

10 3. Subject to the provisions of par. (a) 1. relating to contracts in Milwaukee
11 County, provide transit service, or contract for the provision of transit service,
12 outside the authority's jurisdictional area if such transit service would benefit
13 residents within the authority's jurisdictional area.

14 **(5) FEDERAL AND STATE AID; INCENTIVE FUNDS.** Any application by an authority
15 for federal or state funding shall first be submitted to the southeastern regional
16 transit authority, which shall then provide the application to the appropriate federal
17 or state agency. If the application results in the receipt of any federal or state funds,
18 those federal or state funds shall first be received by the southeastern regional
19 transit authority, which shall then forward the funds to the authority that provided
20 the application.

21 **(6) AUTHORITY REVENUE REQUIREMENTS.** (a) An authority may generate revenue
22 by doing any of the following

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

24 2. Levying a room tax.

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BILL

1 3. a. Imposing, by the adoption of a resolution by the board of directors, the
2 taxes under s. 77.708, except that no authority may adopt such a resolution until a
3 referendum is held in the authority's jurisdictional area on the question of whether
4 the authority may impose the taxes under s. 77.708 and the referendum is decided
5 in the affirmative. For purposes of an authority that has Milwaukee County as the
6 boundaries of its jurisdictional area, the referendum for imposing sales and use taxes
7 for transit purposes that was approved in 2008 in Milwaukee County satisfies the
8 referendum requirement of this subd. 3. a. If an authority adopts a resolution to
9 impose the taxes, it shall deliver a certified copy of the resolution to the department
10 of revenue at least 120 days before its effective date. The authority may, by adoption
11 of a resolution by the board of directors, repeal the imposition of the taxes under s.
12 77.708 and shall deliver a certified copy of the repeal resolution to the department
13 of revenue at least 120 days before its effective date.

14 b. If the authority adopts a resolution as provided in subd. 3. a., it shall specify
15 to the department of revenue the exact boundaries of the authority's jurisdictional
16 area. If the boundaries are the same as the county lines on all sides of the authority's
17 jurisdictional area, the resolution shall specify the county or counties that comprise
18 the authority's entire jurisdictional area. If the boundaries are other than a county
19 line on any side of the authority's jurisdictional area, the authority shall provide the
20 department with a complete list of all the 9-digit zip codes that are entirely within
21 the authority's jurisdictional area and a complete list of all the street addresses that
22 are within the authority's jurisdictional area and not included in any 9-digit zip code
23 that is entirely within the authority's jurisdictional area. The authority shall
24 provide a certified copy of the information required under this subd. 3. b. to the
25 department, in the manner, format, and layout prescribed by the department, at

BILL**SECTION 32**

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

6 c. If the authority adopts a resolution as provided in subd. 3. a., beginning with
7 the year in which the resolution is adopted, no participating political subdivision
8 may levy property taxes for transit in an amount exceeding 50 percent of the amount
9 of the taxes under s. 77.708 that the authority allocates to the participating political
10 subdivision for the year for which the property taxes are levied, based on the amount
11 of the taxes under s. 77.708 that the department of revenue estimates it will collect
12 for the authority for that year. This subd. 3. c. does not apply to the year in which
13 the resolution is adopted if the resolution is adopted after the participating political
14 subdivision establishes its property tax levy for transit.

15 4. Charging a membership fee to the participating political subdivisions of the
16 authority.

17 (b) An authority shall generate revenue equal to the amount required by pars.

18 (c) and (d). This minimum revenue requirement may be met through funding from
19 one or a combination of revenue sources identified by resolution under sub. (2) (c) 2.,

20 including any revenue option under par. (a) *le*

do any of the following:

21 (c) 1. Within 2 years after the creation of an authority, the authority shall

22 *Pa.* generate revenue sufficient to offset a 30 percent reduction in passenger fare
23 revenues resulting from transit operations or to provide an 8 percent increase in

24 transit service, or a combination of both, as compared with passenger fare revenues

25 and transit service as of the time that the authority was created.

*Insert
32-25*

BILL

~~2. Within 4 years after the creation of an authority, the authority shall generate revenue sufficient to offset a 60 percent reduction in passenger fare revenues resulting from transit operations or to provide a 16 percent increase in transit service, or a combination of both, as compared with passenger fare revenues and transit service as of the time that the authority was created.~~

2. ^β For purposes of this paragraph, a 15 percent reduction in passenger fare revenues is equivalent to a 4 percent increase in transit service. For purposes of this paragraph, increases in transit service may be calculated by the increase in either transit service miles or transit service hours regardless of whether the transit service occurs within or outside the authority's jurisdictional area, and increases in paratransit miles or paratransit hours shall be included in calculating increases in transit service miles or transit service hours.

3. ^α Every 2 years after an authority is created under this section, the department shall determine and certify whether the authority has met the requirements specified in this paragraph. In making this determination, the department shall calculate, and make publicly available, the dollar amount of the passenger fare revenue reductions and the transit service mile or hour increases that would be necessary for the authority to satisfy the requirements under subd. 1. ^{g a. l} and

2. In making its calculation and determination under this subdivision, the department shall consider whether, and make allowances for the fact that, any municipality or county joined the authority under sub. (2) (a) after its initial creation.

(d) 1. ⁴ Within ⁶ years after the creation of an authority, in addition to continuing to satisfy the requirements specified in par. (c), the authority shall improve the interconnectivity of its transit system by linking with other modes of transportation and improving cross-county links.

insert
35-19

BILL**SECTION 32**

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

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

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

9 2. Subject to subd. 3., if an authority does not meet the requirements specified
10 in pars. (c) 1. and 2. and (d) within 2 years after the time limits specified in those
11 provisions, the authority shall be dissolved and responsibility for providing transit
12 service and transit planning, as well as all assets, liabilities, rights, and obligations
13 of the authority, shall revert to the participating political subdivisions of the
14 authority. If an authority is dissolved under this subdivision, the authority shall,
15 before dissolving, adopt a resolution by the board of directors repealing the
16 imposition of the taxes under s. 77.708 and deliver a certified copy of the repeal
17 resolution to the department of revenue at least 120 days before its effective date.

18 3. If any municipality or county joins an authority under sub. (2) (b) after its
19 initial creation, the department may make allowances for this fact, including
20 delaying or suspending the penalties under subs. 1. and 2. for failure to meet the
21 requirements specified in pars. (c) 1. and 2. and (d).

22 (7) SUNSET AND TRANSITION. (a) When 3 authorities created under this section
23 have been certified by the department under sub. (6) (d) 3. as having satisfied the
24 requirement specified in sub. (6) (d) 1., the department shall provide notice of this
25 fact to every authority created under this section, specifically identifying these 3

BILL

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

7 (b) Upon receiving a notice specified in par. (a), each authority identified in the
8 notice shall begin the process of winding down and dissolving, including taking those
9 actions specified in this subsection, and shall complete this process no later than 120
10 days after receiving the notice. Notwithstanding sub. (4), upon receiving a notice
11 specified in par. (a), the duties of each authority identified in the notice shall be
12 limited to winding down and dissolving the authority and facilitating the transition
13 described in this paragraph. The board of directors of the authority shall assist in
14 good faith in the transition from the authority to the southeastern regional transit
15 authority. The southeastern regional transit authority shall be considered the
16 successor to an authority created under this section and wound down under this
17 paragraph. As part of the authority's winding down process, all of the following shall
18 occur:

19 1. The assets and liabilities of the authority shall become the assets and
20 liabilities of the southeastern regional transit authority.

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

23 3. All contracts entered into by the authority, in effect at the time of winding
24 down the authority, remain in effect and are transferred to the southeastern regional
25 transit authority. The southeastern regional transit authority shall carry out any

BILL**SECTION 32**

1 obligations under such a contract until the contract is modified or rescinded by the
2 southeastern regional transit authority to the extent allowed under the contract.

3 (c) Any authority identified in a notice under par. (a) terminates on the 120th
4 day after the authority receives that notice.

5 **SECTION 33.** 70.11 (2) of the statutes, as affected by 2009 Wisconsin Act 28, is
6 amended to read:

7 **70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.**
8 Property owned by any county, city, village, town, school district, technical college
9 district, public inland lake protection and rehabilitation district, metropolitan
10 sewerage district, municipal water district created under s. 198.22, joint local water
11 authority created under s. 66.0823, transit authority created under s. 59.58 (7) or,
12 66.1039, or 66.1041, long-term care district under s. 46.2895 or town sanitary
13 district; lands belonging to cities of any other state used for public parks; land
14 tax-deeded to any county or city before January 2; but any residence located upon
15 property owned by the county for park purposes that is rented out by the county for
16 a nonpark purpose shall not be exempt from taxation. Except as to land acquired
17 under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after
18 August 17, 1961, to any such governmental unit or for its benefit while the grantor
19 or others for his or her benefit are permitted to occupy the land or part thereof in
20 consideration for the conveyance. Leasing the property exempt under this
21 subsection, regardless of the lessee and the use of the leasehold income, does not
22 render that property taxable.

23 **SECTION 34.** 71.26 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,
24 is amended to read:

BILL

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

6 **SECTION 35.** 77.54 (9a) (er) of the statutes, as created by 2009 Wisconsin Act
7 28, is amended to read:

8 77.54 (9a) (er) Any transit authority created under s. 59.58 (7) ~~or~~, 66.1039, or
9 66.1041.

10 **SECTION 36.** 77.708 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
11 is amended to read:

12 77.708 (1) A transit authority created under s. 59.58, 66.1039, or 66.1041, by
13 resolution under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) 3., respectively,
14 may impose a sales tax and a use tax under this subchapter at a rate not to exceed
15 0.5 percent of the sales price or purchase price. Those taxes may be imposed only in
16 their entirety. The resolution shall be effective on the first day of the first calendar
17 quarter that begins at least 120 days after the adoption of the resolution.

18 **SECTION 37.** 77.708 (2) of the statutes, as created by 2009 Wisconsin Act 28, is
19 amended to read:

20 77.708 (2) Retailers and the department of revenue may not collect a tax under
21 sub. (1) for any transit authority created under s. 59.58, 66.1039, or 66.1041, after
22 the calendar quarter during which the transit authority adopts a repeal resolution
23 under s. 59.58 (7) (n) 2., 66.1039 (4) (s), or 66.1041 (6) (a) 3. or (e) 2., respectively,
24 except that the department of revenue may collect from retailers taxes that accrued

BILL**SECTION 37**

1 before such calendar quarter and fees, interest, and penalties that relate to those
2 taxes.

3 **SECTION 38.** 77.9971 (1) of the statutes, as affected by 2009 Wisconsin Act 28,
4 is amended to read:

5 77.9971 (1) The southeastern regional transit authority under s. 59.58 (7) may
6 impose a fee at a rate not to exceed \$18, as adjusted under sub. (2), for each
7 transaction in the authority's jurisdictional area, as described in s. 59.58 (7) (b) and
8 (n) 3., on the rental, but not for re rental and not for rental as a service or repair
9 replacement vehicle, of Type 1 automobiles, as defined in s. 340.01 (4) (a), by
10 establishments primarily engaged in short-term rental of passenger cars without
11 drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax
12 under s. 77.54 (1), (4), (7) (a), (7m), (9), or (9a). The fee imposed under this subchapter
13 shall be effective on the first day of the first month that begins at least 90 days after
14 the board of directors of the southeastern regional transit authority approves the
15 imposition of the fee and notifies the department of revenue. The board of directors
16 shall notify the department of a repeal of the fee imposed under this subchapter at
17 least 60 days before the effective date of the repeal.

18 **SECTION 39.** 79.03 (3) (b) 4. a. of the statutes is amended to read:

19 79.03 (3) (b) 4. a. "Local general purpose taxes" means the portion of tax
20 increments collected for payment to a municipality under s. 66.1105 which is
21 attributable to that municipality's own levy, the portion of environmental
22 remediation tax increments collected for payment to a municipality or county under
23 s. 66.1106 that is attributable to that municipality's or county's own levy, general
24 property taxes, excluding taxes for a county children with disabilities education
25 board, collected to finance the general purpose government unit, property taxes

BILL

1 collected for sewage and sanitary districts, monthly municipal permit fees under s.
2 66.0435 (3), the proceeds of county sales and use taxes, and ~~municipal and county~~
3 local vehicle registration fees under s. 341.35 (1).

4 **SECTION 40.** 85.063 (3) (b) 1. of the statutes, as affected by 2009 Wisconsin Act
5 28, is amended to read:

6 85.063 (3) (b) 1. Upon completion of a planning study under sub. (2), or, to the
7 satisfaction of the department, of a study under s. 85.022, a political subdivision in
8 a county, or a 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, that
11 includes the urban area may apply to the department for a grant for property
12 acquisition for an urban rail transit system.

13 **SECTION 41.** 85.064 (1) (b) of the statutes, as affected by 2009 Wisconsin Act 28,
14 is amended to read:

15 85.064 (1) (b) "Political subdivision" means any city, village, town, county,
16 transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.
17 66.0301, or transit authority created under s. 66.1039 or 66.1041 within this state
18 or the southeastern regional transit authority under s. 59.58 (7).

19 **SECTION 42.** 85.11 (1) (a) of the statutes, as created by 2009 Wisconsin Act 28,
20 is amended to read:

21 85.11 (1) (a) "Eligible applicant" means the southeastern regional transit
22 authority under s. 59.58 (7) or an interim regional transit authority created under
23 s. 66.1041.

24 **SECTION 43.** 85.20 (4m) (a) 6. e. of the statutes, as created by 2009 Wisconsin
25 Act 28, is amended to read:

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39-23

BILL**SECTION 43**

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

6 **SECTION 44.** 111.70 (1) (j) of the statutes, as affected by 2009 Wisconsin Act 28,
7 is amended to read:

8 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
9 metropolitan sewerage district, school district, long-term care district, transit
10 authority under s. 59.58 (7) ~~or~~, 66.1039, or 66.1041, or any other political subdivision
11 of the state, or instrumentality of one or more political subdivisions of the state, that
12 engages the services of an employee and includes any person acting on behalf of a
13 municipal employer within the scope of the person's authority, express or implied,
14 but specifically does not include a local cultural arts district created under subch. V
15 of ch. 229.

16 **SECTION 45.** 341.35 (title) of the statutes is amended to read:

17 **341.35 (title) ~~Municipal or county~~ Local vehicle registration fee.**

18 **SECTION 46.** 341.35 (1) of the statutes is amended to read:

19 341.35 (1) ANNUAL REGISTRATION FEE. In this section "municipality" means a
20 town, village or city and "motor vehicle" means an automobile or motor truck
21 registered under s. 341.25 (1) (c) at a gross weight of not more than 8,000 pounds.
22 Subject to sub. (9), in this section "authority" means an interim regional transit
23 authority created under s. 66.1041. The governing body of a municipality or county
24 may enact an ordinance imposing an annual flat municipal or county registration fee
25 on all motor vehicles registered in this state which are customarily kept in the

BILL

1 municipality or county. The board of directors of an authority may adopt a resolution
2 imposing an annual flat registration fee on all motor vehicles registered in this state
3 which are customarily kept in the jurisdictional area of the authority. A registration
4 fee imposed under this section shall be in addition to state registration fees.

5 **SECTION 47.** 341.35 (2) (intro.) of the statutes is amended to read:

6 341.35 (2) EXEMPTIONS. (intro.) The following vehicles are exempt from any
7 ~~municipal or county~~ local vehicle registration fee under this section:

8 **SECTION 48.** 341.35 (3m) of the statutes is amended to read:

9 341.35 (3m) ~~COUNTY AND MUNICIPAL~~ MULTIPLE LOCAL FEES. If a municipality and
10 the county in which the municipality is located enact ordinances under this section,
11 a motor vehicle customarily kept in the municipality shall be subject to a municipal
12 registration fee and a county registration fee. If an authority imposes a local
13 registration fee under this section, this fee is in addition to any local registration fee
14 imposed by a municipality or county under this section.

15 **SECTION 49.** 341.35 (4) of the statutes is amended to read:

16 341.35 (4) NOTICE OF FEES. The governing body of a municipality or county
17 ~~which enacts a municipal or county, and the board of directors of an authority, that~~
18 imposes a local vehicle registration fee under this section shall notify the department
19 that it has so elected and report the amount of such fee. The municipality ~~or~~ county,
20 or authority shall report any change in such amount to the department. The
21 notification shall be made at the time and in the form prescribed by the department.

22 **SECTION 50.** 341.35 (5) of the statutes is amended to read:

23 341.35 (5) PAYMENT OF FEES. At the time a motor vehicle is first registered or
24 at the time of registration renewal, the applicant shall pay to the department any fee

BILL**SECTION 50**

1 imposed by a county ~~or~~, municipality, or authority under this section in addition to
2 fees required under this chapter.

3 **SECTION 51.** 341.35 (6) of the statutes is amended to read:

4 341.35 (6) DEPARTMENT TO REMIT FEES TO ~~MUNICIPALITIES AND COUNTIES.~~
5 Beginning July 1, 1984, and annually thereafter, the department shall remit those
6 moneys collected under this section, less administrative costs under sub. (6m), to any
7 municipality ~~or~~, county ~~which~~, or authority that has imposed a fee under this section.
8 The department may by rule provide that the moneys be remitted at more frequent
9 intervals if the department deems it advisable.

10 **SECTION 52.** 341.35 (6r) of the statutes is amended to read:

11 341.35 (6r) USE OF FEE PROCEEDS. Any municipality ~~or~~, county, or authority
12 receiving moneys under sub. (6) shall use the moneys only for transportation related
13 purposes.

14 **SECTION 53.** 341.35 (7) of the statutes is amended to read:

15 341.35 (7) REPLACEMENTS. No ~~municipal or county~~ local vehicle registration fee
16 may be imposed on a motor vehicle which is a replacement for a motor vehicle for
17 which a current ~~municipal or county~~ local vehicle registration fee has been paid.

18 **SECTION 54.** 341.35 (9) of the statutes is created to read:

19 341.35 (9) REGIONAL TRANSIT AUTHORITY TRANSITION. If the department provides
20 any notice specified in s. 66.1041 (7) (a), all of the following apply:

21 (a) "Authority" in this section shall mean the southeastern regional transit
22 authority under s. 59.58 (7) instead of an interim regional transit authority
23 identified in any notice provided by the department under s. 66.1041 (7) (a).

24 (b) If an interim regional transit authority created under s. 66.1041 imposed
25 a local registration fee under this section prior to the department's notice under s.

BILL

1 66.1041 (7) (a) identifying the interim regional transit authority, that fee shall
2 continue to be imposed, and the southeastern regional transit authority under s.
3 59.58 (7) shall be the successor to the fee, unless the board of directors of the
4 southeastern regional transit authority votes to modify or terminate the fee.

5 **SECTION 55.** 345.05 (1) (ag) of the statutes, as created by 2009 Wisconsin Act
6 28, is amended to read:

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

11 **SECTION 56.** 611.11 (4) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
12 is amended to read:

13 611.11 (4) (a) In this subsection, "municipality" has the meaning given in s.
14 345.05 (1) (c), but also includes any transit authority created under s. 66.1039 or
15 66.1041 and the southeastern regional transit authority under s. 59.58 (7) to the
16 extent it is the successor under s. 66.1041 (7) (b) to a transit authority created under
17 s. 66.1041.

18 **SECTION 57. Effective dates.** This act takes effect on the day after publication,
19 except as follows:

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

22 (END)

1 **INSERT ANAL-A:**

(no H) However, a Milwaukee County IRTA may only impose the sales and use tax, as described in item 3) above.

2 **INSERT ANAL-B:**

(no H) ; or 2) invest an amount, equivalent to the revenue that would be sufficient to provide an 8 percent increase in transit service, in either improving existing capital assets of the IRTA or making new capital purchases and improvements for the IRTA. In addition, the revenue generated must be used to implement either the specified reduction in passenger fares or the specified increase in transit service, or a combination of both, or the investment must actually be made by the expenditure or commitment of funds for the applicable purchases or improvements

3 **INSERT ANAL-C:**

(no H) or unless the SERTA's board of directors does not include a member representing Racine County

4 **INSERT ANAL-D:**

6. After DOT certifies that the first three IRTAs have reached their phase 3 revenue thresholds, the SERTA is limited in its expenditures of locally derived revenues for purposes related to the KRM commuter rail line. These locally derived revenues are local motor vehicle registration fees, room taxes, sales and use taxes, and membership fees received by the SERTA within the political subdivisions of the SERTA's jurisdictional area. The SERTA's board of directors must establish a ratio of locally derived revenues generated by the SERTA to the amount of passenger fare revenues anticipated to be generated from passengers of the KRM commuter rail line whose trips originate in the political subdivision from which the locally derived revenues are generated. This ratio must be uniform among all political subdivisions in the SERTA's jurisdictional area. The SERTA may not expend locally derived revenues in an amount that would cause the SERTA to exceed this uniform ratio, with respect to any political subdivision, for the purpose of planning, creating, constructing, operating, or managing the KRM commuter rail line.

the operation and management of a KRM commuter rail line as

b. The authority shall establish a ratio of local revenues generated by the authority from any source described in s. 66.1041 (6) (a) within a political subdivision in the authority's jurisdictional area to the amount of passenger fare revenues anticipated to be generated from passengers of the KRM commuter rail line whose trips originate in that political subdivision. This ratio shall be uniform among all political subdivisions in the authority's jurisdictional area.

c. The authority may not expend, for ~~any purpose~~ specified in par. (d), local revenues described in subd. 7. b. in an amount that would cause the authority to exceed the uniform ratio established under subd. 7. b. with respect to any political subdivision in the authority's jurisdictional area.

INSERT 30-22:

(no P), except that an authority that includes Milwaukee County may generate revenue only as provided in subd. 3.

INSERT 32-20:

(no P) except that an authority that includes Milwaukee County may not generate revenue as provided in par. (a) 1., 2., or 4.

INSERT 32-25:

(no P) With this revenue, the authority shall implement either the specified reduction in passenger fares or the specified increase in transit service, or a combination of both.

b. Invest an amount, equivalent to the revenue that would be sufficient to provide an 8 percent increase in transit service, in either improving existing capital assets of the authority or making new capital purchases and improvements for the authority. An investment under this subd. 1. b. is not considered to be made until

1 funds have actually been expended or committed for any applicable purchase or
2 improvement.

3 **INSERT 33-19:**

4 (no fl) and the dollar amount of the investment in existing capital asset improvements
5 or new capital purchases and improvements that would be necessary for the
6 authority to satisfy the requirements under subd. 1. b.

7 **INSERT 39-23:**

8 **SECTION 3.** 85.20 (4m) (a) (intro.) of the statutes is amended to read:

*as affected by
2009 Wisconsin Act
28,*

9 85.20 (4m) (a) (intro.) The department shall pay annually to the eligible
10 applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The
11 department shall pay annually to the eligible applicant described in subd. 6. d. the
12 amount of aid specified in subd. 6. d. The department shall allocate an amount to
13 each eligible applicant described in subd. 6. e., 6. f., 7., or 8. to ensure that the sum
14 of state and federal aids for the projected operating expenses of each eligible
15 applicant's urban mass transit system is equal to a uniform percentage, established
16 by the department, of the projected operating expenses of the mass transit system
17 for the calendar year. The department shall make allocations as follows:

History: 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1979 c. 34 ss. 911p, 911r, 2102 (52) (a); 1979 c. 110 s. 60 (11); 1981 c. 20 ss. 1202 to 1207, 1232 to 1233; Stats. 1981 s. 85.20; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39, 239; 1993 a. 16, 279; 1995 a. 113, 201; 1997 a. 27; 1999 a. 9; 1999 a. 150 ss. 626, 672; 2001 a. 4, 16, 38; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28.

18

19 **INSERT 40-5:**

20 **SECTION 4.** 85.20 (4m) (a) 6. f. of the statutes is created to read:

21 85.20 (4m) (a) 6. f. From the appropriation under s. 20.395 (1) (hy), the
22 department may pay the uniform percentage for each eligible applicant for making
23 payments under s. 59.58 (7) (m).

*, as affected by
2009 Wisconsin Act
28,*

24 **SECTION 5.** 85.20 (4s) of the statutes is amended to read:

1 **85.20 (4s) PAYMENT OF AIDS UNDER THE CONTRACT.** The contracts executed
2 between the department and eligible applicants under this section shall provide that
3 the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the
4 state's fiscal year shall be provided from the following fiscal year's appropriation
5 under s. 20.395 (1) (hr), (hs), (ht), (hu), ~~or~~ (hw), or (hy).

History: 1973 c. 90, 333; 1975 c. 39; 1977 c. 29; 1979 c. 34 ss. 911p, 911r, 2102 (52) (a); 1979 c. 110 s. 60 (11); 1981 c. 20 ss. 1202 to 1207, 1232 to 1233; Stats. 1981 s. 85.20; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 39, 239; 1993 a. 16, 279; 1995 a. 113, 201; 1997 a. 27; 1999 a. 9; 1999 a. 150 ss. 626, 672; 2001 a. 4, 16, 38; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2009 a. 28.

6

Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Wednesday, December 16, 2009 2:43 PM
To: Gary, Aaron
Subject: RE: SERTA "proportional funding"

Aaron,

On the second change, Frank was recommending the language change because it allows the authority to issue bonds to cover the transaction costs of issuing the bonds without using any of its statutory authority, but didn't have a specific recommendation for the language. I think we can live with the language in current law.

As for your second question, DOT should do the ridership calculations annually.

One other thing, if the drafting/editing is finished after Friday, could have copies sent to Dan Kanninen and Matt Sweeney in the GOV's office

Thanks,

Tyler

-----Original Message-----

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Wednesday, December 16, 2009 2:25 PM
To: Byrnes, Tyler - DOA
Subject: RE: SERTA "proportional funding"

Tyler,

Regarding change #2 below, I don't understand why you want this change and I cannot carry out the instructions as you describe them. Is this something requested by Frank Hoadley or bond counsel? I have very little knowledge of local bonding but it seems to me that existing s. 59.58 (7) (f) 6. is pretty standard and workable. (It's also current law.) If you want a change made to that provision, you'll need to give me verbatim the change to make and I'll plug it in, caveat emptor.

Also, on the proportional funding issue as forwarded by Larry, how often should DOT make its ridership calculation? Annually, quarterly, monthly, other?

Thanks. Aaron

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

-----Original Message-----

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Friday, December 11, 2009 2:35 PM
To: Gary, Aaron
Subject: RE: SERTA "proportional funding"

Aaron,

Can you make two additional changes to the draft:

1. On page 13, the bonding limit applies only to KRM bonds. Can that be changed to cover all bonds for capital improvements?
2. Can the language in s. 59.58(7)(f)6 be changed to be similar to s. 16.527 (3)(b)3?

The department may contract appropriation obligations as the department determines is desirable to fund or refund outstanding appropriation obligations issued under this section, to pay issuance or administrative expenses, to make deposits to reserve funds, to pay accrued or funded interest, to pay the costs of credit enhancement, or to make payments under other agreements entered into under sub. (4) (e).

There may be a few more changes coming Monday afternoon. Let me know if you need clarification.

Thanks,

Tyler

-----Original Message-----

From: Konopacki, Larry [mailto:Larry.Konopacki@legis.wisconsin.gov]
Sent: Friday, December 11, 2009 12:58 PM
To: Gary, Aaron - LEGIS; Byrnes, Tyler - DOA
Cc: Grosz, Scott - LEGIS
Subject: SERTA "proportional funding"

Hi Aaron, based on conversations that I have had with Tyler, the following is what he is looking for on the "proportional funding" issue in LRB 3451/4. Please let us know if there is anything else that Scott or I can do:

Thanks,
Larry

If the SERTA board decides to use funding authorized under s. 66.1041 (6) (a) for KRM rail purposes:

- These expenses should be drawn from the local revenues provided from each county proportionate to its estimated KRM ridership as calculated by DOT.
- DOT would calculate KRM ridership by estimating the number of transit trips that include the use of the KRM line that originate in, and the number of transit trips that include the use of the KRM line that terminate in, each member political subdivision of SERTA. These totals would be summed for each county.
- This proportional funding requirement could only be altered by unanimous agreement of all members of the SERTA board.

Larry A. Konopacki

Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Tuesday, December 15, 2009 2:59 PM
To: Gary, Aaron
Cc: Kanninen, Dan - GOV
Subject: Four more RTA changes

Aaron,

We've got four more changes to the draft.

1. For a Milwaukee County IRTA, a return to 2001 levels of transit service should be sufficient to meet the second phase requirements, in addition to the existing options of reducing passenger fares, ect. Service should be defined in the same terms as in the draft.
2. On page 15, please remove the \$5 million cap to any one interim transit authority. Instead, limit the total incentives awarded to all IRTAs to no more than the total revenue generated by the rental car fee, before June 30, 2011 and no more than the amount appropriated in 395(1)(hy) after June 30, 2011.
3. As part of the SERTA proportional funding piece, can we include language stating something along the lines of "No revenue generated from a local revenue source shall be used to fund KRM construction, operating and management expenses if use of that revenue results in a reduction of non-KRM transit service in the former IRTA jurisdiction where the revenue generated". Non-KRM service should be defined as any transit service that is not the KRM commuter rail link. This provision could be waived by unanimous vote of the SERTA board. There should be language stating that this provision does not preclude any SERTA revenue from going to pay for debt service of any bonds the authority has issued.
4. On page 35, the description of the "Interconnectivity" stage, can you include language asserting that DOT shall take into account taxpayer concerns and employer's and employee's mobility concerns when drafting the administrative rule?

Let me know if you need further clarification. I think these plus the changes I sent Friday should be all of the changes for a /5 draft.

Thanks,

Tyler

Gary, Aaron

From: Gary, Aaron
Sent: Friday, December 18, 2009 10:22 AM
To: Byrnes, Tyler - DOA
Subject: RE: Four more RTA changes

Sorry, one more thing. I did delete the \$5 M cap. I just didn't insert the newly formulated limitations, because they already exist.

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

From: Gary, Aaron
Sent: Friday, December 18, 2009 10:20 AM
To: Byrnes, Tyler - DOA
Subject: RE: Four more RTA changes

From: Gary, Aaron
Sent: Friday, December 18, 2009 10:12 AM
To: Byrnes, Tyler - DOA
Subject: RE: Four more RTA changes

Hi Tyler,

I am having a hard time making sense of this other number 2.

Prior to June 30, 2011, incentive funds are provided under par. (L) and funded from the car rental fee. The formula under s. 59.58 (7) (e) takes \$2 off the top of the car rental fee, and the remainder can be allocated. By necessity, the total incentive funds awarded before June 30, 2011 could not exceed the car rental fee revenue.

Starting on July 1, 2011, incentive funds can only be provided under par. (m), not par. (L). These funds derive from the appropriation under s. 20.395 (1) (hy). By necessity, the incentive funds cannot exceed the appropriated amount.

So the result you express in item 2. below is already covered in the current text of the draft, I believe.

Let me know if I am missing something. Otherwise, I am going to omit item 2. and put it into editing this morning (if it is not done today, you probably won't see it until January because of the holidays and editing staff work schedules).

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)

12/18/2009

Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Friday, December 18, 2009 10:24 AM
To: Gary, Aaron
Subject: RE: Four more RTA changes

Aaron,

I described the limitations just to make sure we were on the same page. Go ahead and send it to editing with the cap removed and no other changes related to #2.

Thanks,

Tyler

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Friday, December 18, 2009 10:20 AM
To: Byrnes, Tyler - DOA
Subject: RE: Four more RTA changes

From: Gary, Aaron
Sent: Friday, December 18, 2009 10:12 AM
To: Byrnes, Tyler - DOA
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Let me know if I am missing something. Otherwise, I am going to omit item 2. and put it into editing this morning (if it is not done today, you probably won't see it until January because of the holidays and editing staff work schedules).

Aaron

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

12/18/2009

Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Friday, December 11, 2009 10:29 AM
To: Konopacki, Larry
Cc: Gary, Aaron; Grosz, Scott
Subject: RE: Friday RTA Meeting Documents

Larry,

I've answered your questions below. Let me know if you need further clarification.

Thanks, and I hope your kids are feeling better. I know that can be rough.

Tyler

-----Original Message-----

From: Konopacki, Larry [mailto:Larry.Konopacki@legis.wisconsin.gov]
Sent: Friday, December 11, 2009 10:07 AM
To: Byrnes, Tyler - DOA
Cc: Gary, Aaron - LEGIS; Grosz, Scott - LEGIS
Subject: RE: Friday RTA Meeting Documents

Hi Tyler, do you also want to account for ridership that originates or terminates outside of the member political subdivisions, for instance if busses bring KRM riders in from outside the KRM jurisdictional area or people drive in to park and rides and get shuttled to a KRM stop? I think ridership originating or terminating outside the member subdivisions should not be considered when accounting for KRM contribution.

Second, I think you mentioned that you would like to eliminate the opportunity for a member political subdivision to waive its "funding fairness" rights, and instead just always require a unanimous SERTA board approval to alter the funding formula. Correct? Correct. I think requiring unanimous consent protects local interests without giving control to any outside government.

Lastly, if you want to break this down by political subdivisions instead of former IRTAs, how would you like to handle counties where some/all of the county territory is also part of member political subdivisions and some may not be? Would you eliminate consideration of counties as a political subdivision for purposes of allocating KRM funding responsibility? I don't think this will be an issue since portions of counties cannot be stand-alone members of SERTA. If a county is a member, the entire county's territory will be part of the RTA. If only a portion of a county is a member, this is because municipalities in the county have joined.

Thanks,

Larry

12/16/2009

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

-----Original Message-----

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Monday, December 07, 2009 8:23 AM
To: Konopacki, Larry
Subject: RE: Friday RTA Meeting Documents

Larry,

Do you have specific language in mind for this? I usually leave the crafting of the bill to Aaron.

Tyler

-----Original Message-----

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Friday, December 04, 2009 4:32 PM
To: Byrnes, Tyler - DOA; Konopacki, Larry - LEGIS
Cc: Grosz, Scott - LEGIS
Subject: RE: Friday RTA Meeting Documents

Gentlemen,

If you know what you want, giving me your preferred language to plug into the draft would work best.

Enjoy your weekend.

Aaron

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

-----Original Message-----

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Friday, December 04, 2009 4:19 PM
To: Konopacki, Larry
Cc: Grosz, Scott; Gary, Aaron
Subject: RE: Friday RTA Meeting Documents

Larry,

Can you work with Aaron to change the language in the /4 bill to bring the idea more closely in line with the concept you outlined in this email? I think the only change I would make would be to base ridership estimates and revenue generated on member subdivisions instead of former IRTA areas, because they are permanent and would be easier for both DOR and DOT to track revenue and ridership from.

Let me know if you want to go over this further before talking to Aaron.

12/16/2009

Thanks,

Tyler

-----Original Message-----

From: Konopacki, Larry [mailto:Larry.Konopacki@legis.wisconsin.gov]
Sent: Thursday, December 03, 2009 11:23 AM
To: Byrnes, Tyler - DOA
Cc: Grosz, Scott - LEGIS
Subject: RE: Friday RTA Meeting Documents

Hi Tyler, you have to contact Aaron to authorize me to provide changes to the bill. Once you do so and let me know you have, I will contact Aaron regarding our discussion about how funds for the KRM line, from what were originally IRTA funding sources, should be allocated evenly across the SERTA membership.

Specifically, SERTA would be limited in how it could pull money for KRM from the (previous) IRTA funding sources once IRTAs are absorbed into SERTA. DOT would be required to periodically estimate the number of transit trips that include riding on KRM that should be allocated to each of the former IRTAs. To do so, DOT would estimate how many transit trips that use KRM begin in each former IRTA's area or enter the SERTA's jurisdictional area in the former IRTA's area. It would add to this the estimated number of transit trips that use KRM that terminate in each former IRTA's area or leave the SERTA's jurisdictional area from the former IRTA's area. If SERTA decides to use former IRTA funding sources to fund KRM, it would generally be required to take an equal per-estimated-rider amount from the funding sources brought to the SERTA by each IRTA. This general requirement could be altered by unanimous agreement of all members of the SERTA board. This requirement could also be waived by a majority vote of all voting members representing a former IRTA if they would like the funding sources brought to SERTA by that former IRTA to pay a larger proportional share.

Thanks,

Larry

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

-----Original Message-----

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Monday, November 30, 2009 8:53 AM
To: Konopacki, Larry
Subject: RE: Friday RTA Meeting Documents

I thought you were going to contact him. Let me know when you're back in the office.

Thanks,

12/16/2009

Gary, Aaron

From: Konopacki, Larry
Sent: Friday, December 11, 2009 12:58 PM
To: Gary, Aaron; Byrnes, Tyler - DOA
Cc: Grosz, Scott
Subject: SERTA "proportional funding"

Hi Aaron, based on conversations that I have had with Tyler, the following is what he is looking for on the "proportional funding" issue in LRB 3451/4. Please let us know if there is anything else that Scott or I can do:

Thanks,
Larry

If the SERTA board decides to use funding authorized under s. 66.1041 (6) (a) for KRM rail purposes:

- These expenses should be drawn from the local revenues provided from each county proportionate to its estimated KRM ridership as calculated by DOT.
- DOT would calculate KRM ridership by estimating the number of transit trips that include the use of the KRM line that originate in, and the number of transit trips that include the use of the KRM line that terminate in, each member political subdivision of SERTA. These totals would be summed for each county.
- This proportional funding requirement could only be altered by unanimous agreement of all members of the SERTA board.

Larry A. Konopacki

Wisconsin Legislative Council

(608) 267-0683

larry.konopacki@legis.wisconsin.gov

-----Original Message-----

From: Byrnes, Tyler - DOA [<mailto:Tyler.Byrnes@wisconsin.gov>]