

## 2013 DRAFTING REQUEST

### Bill

Received: 10/31/2013 Received By: agary  
Wanted: As time permits Same as LRB: -3549  
For: Kathleen Vinehout (608) 266-8546 By/Representing: Joel Nilsestuen  
May Contact: Drafter: agary  
Subject: Transportation - mass trnst/rail Addl. Drafters:  
Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Vinehout@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

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### Pre Topic:

No specific pre topic given

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### Topic:

Authorizing creation of Chippewa Valley regional transit authority

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 11/1/2013	evinz 11/12/2013		_____			
/P1	agary 11/19/2013		jfrantze 11/13/2013	_____	sbasford 11/13/2013		State S&L
/P2	agary 3/13/2014	evinz 11/19/2013	jmurphy 11/19/2013	_____	lparisi 11/19/2013		State S&L

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/1		evinz 3/13/2014	rschluet 3/13/2014	_____	sbasford 3/13/2014	lparisi 3/14/2014	State S&L

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<END>

→ At  
Intro.

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FE Sent For:		1p2 eev 11/19/13	1p2 eev 11/19/13	gm 11/19			

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11 eev  
3/13/14

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/?	agary	pl eev 11/12/13	pl eev 11/12/13	RS JF 11/13			

FE Sent For:

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## Gary, Aaron

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**From:** Nilsestuen, Joel  
**Sent:** Thursday, October 31, 2013 11:58 AM  
**To:** Gary, Aaron  
**Subject:** Re-draft for LRB 1368



Aaron,

Sen. Vinehout would like LRB 1368 re-drafted to authorize the creation of an RTA in the Chippewa Valley only (instead of statewide). Rep. Wachs will need an Assembly companion as well.

Please contact me with any questions or concerns.

Thanks Aaron,

Joel Nilsestuen  
Office of Sen. Kathleen Vinehout

PO Box 7882  
Madison, WI 53707-7882

(608) 266-8546  
[Joel.Nilsestuen@legis.wisconsin.gov](mailto:Joel.Nilsestuen@legis.wisconsin.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1308/1  
ARG&JK:eev:jm

3548/P1

other

in  
11/1

RMNR

D-Note

PB

2013 BILL

1 AN ACT *to amend* 32.02 (11), 32.05 (1) (a), 32.07 (2), 40.02 (28), 66.0301 (1) (a),  
2 66.0903 (1) (d), 67.01 (5), 70.11 (2), 71.26 (1) (b), chapter 77 (title), subchapter  
3 V (title) of chapter 77 [precedes 77.70], 77.71, 77.73 (2), 77.73 (3), 77.75, 77.76  
4 (1), 77.76 (2), 77.76 (4), 77.77 (1), 77.77 (3), 77.78, 85.063 (3) (b) 1., 85.064 (1)  
5 (b), 345.05 (2) and 611.11 (4) (a); and *to create* 20.566 (1) (gc), 20.835 (4) (gc),  
6 66.1039, 77.54 (9a) (er), 77.708, 77.76 (3r) and 345.05 (1) (ag) of the statutes;  
7 **relating to:** authorizing the creation of regional transit authorities and  
8 making appropriations.

insert  
1-7

***Analysis by the Legislative Reference Bureau***

The 2009 Biennial Budget Act (2009 Act 28) authorized the creation of several regional transit authorities (RTAs): the Dane County RTA, the Chippewa Valley RTA, and the Chequamegon Bay RTA. Under 2009 Act 28, each RTA, once created, is a public body corporate and politic and a separate governmental entity. An RTA's authority is vested in its board of directors, and its bylaws govern its management, operations, and administration. Among its powers, an RTA may operate a transportation system or provide for its operation by contracting with a public or private organization; impose, by its board of directors adopting a resolution, a sales and use tax in the RTA's jurisdictional area at a rate not exceeding 0.5 percent of the

**BILL**

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.

insert  
ANAL-A

The 2011 Biennial Budget Act (2011 Act 32) eliminated authorization to create an RTA and dissolved the Dane County RTA, the Chippewa Valley RTA, and the Chequamegon Bay RTA to the extent previously created.

insert  
ANAL-B

This bill authorizes the creation of RTAs in urbanized areas with the same powers and authority as provided to RTAs under 2009 Act 28. Under the bill, any two or more municipalities or counties (political subdivisions) may join together to jointly create an RTA if the governing body of each political subdivision adopts a resolution authorizing the political subdivision to become a member of the RTA, each resolution is ratified by the electors at a referendum held in the political subdivision, and the resolutions of all of these political subdivisions are identical. However, Milwaukee County may create an RTA if the Milwaukee County board adopts a resolution authorizing the creation of the RTA and the resolution is ratified by the electors at a referendum held in Milwaukee County. After an RTA is created, any political subdivision within the urbanized area may join the RTA if the governing body of the political subdivision adopts a resolution identical to the existing RTA resolutions, the new political subdivision's resolution is ratified by the electors at a referendum held in the political subdivision, and the RTA's board of directors adopts a resolution allowing the new political subdivision to join the RTA. However, a political subdivision may not create or join an RTA under the bill if the political subdivision is already a member of another RTA. Except for Milwaukee County, a county also may not create or join an RTA under the bill unless a municipality located in whole or in part within the county is a member of the RTA. Resolutions creating or joining an RTA must include provisions specifying the number and composition of the RTA's board of directors, and all directors must be elected officials of one or more of the RTA's participating political subdivisions. The jurisdictional area of the RTA is the geographic area formed by the combined territorial boundaries of all political subdivisions that have created or joined the RTA, except that, if the RTA includes a county (other than Milwaukee County), the jurisdictional area includes only that portion of the county that is within the territorial boundaries of municipalities that are also members of the RTA.

The provisions of 2009 Act 28 are recreated to establish the powers and duties of these RTAs. In brief, an RTA's authority is vested in its board of directors and its bylaws govern its management, operations, and administration. An RTA may: operate a transportation system or provide for its operation by contracting with a public or private organization; impose, by its board of directors adopting a resolution, a sales and use tax in the RTA's jurisdictional area at a rate, in one-tenth increments, 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

**BILL**

~~to provide, or contract for the provision of, transit service within the RTA's jurisdictional area. Rates and other charges received by an RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not be transferred to any political subdivision.~~

For further information see the *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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

		2013-14	2014-15
20.566	<b>Revenue, department of</b>		
(1)	COLLECTION OF TAXES		
(gc)	Administration of transit authority taxes	PR-S    A    -0-	-0-

**20.835 Shared revenue and tax relief**

(4)	COUNTY AND LOCAL TAXES		
(gc)	Transit authority taxes	PR    C    -0-	-0-

**SECTION 2.** 20.566 (1) (gc) of the statutes is created to read:  
 20.566 (1) (gc) *Administration of transit authority taxes.* From the moneys received from the appropriation account under s. 20.835 (4) (gc), the amounts in the schedule for the purpose of administering the transit authority taxes imposed under s. 77.708. Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the unencumbered balance in this appropriation account shall be transferred to the appropriation account under s. 20.835 (4) (gc).

**BILL****SECTION 3**

1           **SECTION 3.** 20.835 (4) (gc) of the statutes is created to read:

2           20.835 (4) (gc) *Transit authority taxes.* All moneys received from the taxes  
3 imposed under s. 77.708, and from the appropriation account under s. 20.566 (1) (gc),  
4 for the purpose of distribution to the transit authorities that adopt a resolution  
5 imposing taxes under subch. V of ch. 77 which is affirmed by referendum, except that  
6 1.5 percent of those tax revenues collected under subch. V of ch. 77 shall be credited  
7 to the appropriation account under s. 20.566 (1) (gc).

8           **SECTION 4.** 32.02 (11) of the statutes is amended to read:

9           32.02 (11) Any housing authority created under ss. 66.1201 to 66.1211;  
10 redevelopment authority created under s. 66.1333; community development  
11 authority created under s. 66.1335; local cultural arts district created under subch.  
12 V of ch. 229, subject to s. 229.844 (4) (c); ~~or~~ local exposition district created under  
13 subch. II of ch. 229; or transit authority created under s. 66.1039.

14           **SECTION 5.** 32.05 (1) (a) of the statutes is amended to read:

15           32.05 (1) (a) Except as provided under par. (b), a county board of supervisors  
16 or a county highway committee when so authorized by the county board of  
17 supervisors, a city council, a village board, a town board, a sewerage commission  
18 governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65,  
19 the secretary of transportation, a commission created by contract under s. 66.0301,  
20 a joint local water authority created by contract under s. 66.0823, a transit authority  
21 created under s. 66.1039, a housing authority under ss. 66.1201 to 66.1211, a local  
22 exposition district created under subch. II of ch. 229, a local cultural arts district  
23 created under subch. V of ch. 229, a redevelopment authority under s. 66.1333 or a  
24 community development authority under s. 66.1335 shall make an order providing  
25 for the laying out, relocation and improvement of the public highway, street, alley,

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1 storm and sanitary sewers, watercourses, water transmission and distribution  
2 facilities, mass transit facilities, airport, or other transportation facilities, gas or  
3 leachate extraction systems to remedy environmental pollution from a solid waste  
4 disposal facility, housing project, redevelopment project, cultural arts facilities,  
5 exposition center or exposition center facilities which shall be known as the  
6 relocation order. This order shall include a map or plat showing the old and new  
7 locations and the lands and interests required. A copy of the order shall, within 20  
8 days after its issue, be filed with the county clerk of the county wherein the lands are  
9 located or, in lieu of filing a copy of the order, a plat may be filed or recorded in  
10 accordance with s. 84.095.

11 **SECTION 6.** 32.07 (2) of the statutes is amended to read:

12 32.07 (2) The petitioner shall determine necessity if application is by the state  
13 or any commission, department, board or other branch of state government or by a  
14 city, village, town, county, school district, board, commission, public officer,  
15 commission created by contract under s. 66.0301, joint local water authority under  
16 s. 66.0823, transit authority created under s. 66.1039, redevelopment authority  
17 created under s. 66.1333, local exposition district created under subch. II of ch. 229,  
18 local cultural arts district created under subch. V of ch. 229, housing authority  
19 created under ss. 66.1201 to 66.1211 or for the right-of-way of a railroad up to 100  
20 feet in width, for a telegraph, telephone or other electric line, for the right-of-way  
21 for a gas pipeline, main or service or for easements for the construction of any  
22 elevated structure or subway for railroad purposes.

23 **SECTION 7.** 40.02 (28) of the statutes is amended to read:

24 40.02 (28) “Employer” means the state, including each state agency, any  
25 county, city, village, town, school district, other governmental unit or

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1 instrumentality of 2 or more units of government now existing or hereafter created  
2 within the state, any federated public library system established under s. 43.19  
3 whose territory lies within a single county with a population of 500,000 or more, a  
4 local exposition district created under subch. II of ch. 229, a transit authority created  
5 under s. 66.1039, and a long-term care district created under s. 46.2895, except as  
6 provided under ss. 40.51 (7) and 40.61 (3). “Employer” does not include a local  
7 cultural arts district created under subch. V of ch. 229. Each employer shall be a  
8 separate legal jurisdiction for OASDHI purposes.

9 **SECTION 8.** 66.0301 (1) (a) of the statutes is amended to read:

10 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section  
11 “municipality” means the state or any department or agency thereof, or any city,  
12 village, town, county, school district, public library system, public inland lake  
13 protection and rehabilitation district, sanitary district, farm drainage district,  
14 metropolitan sewerage district, sewer utility district, solid waste management  
15 system created under s. 59.70 (2), local exposition district created under subch. II of  
16 ch. 229, local professional baseball park district created under subch. III of ch. 229,  
17 local professional football stadium district created under subch. IV of ch. 229, local  
18 cultural arts district created under subch. V of ch. 229, transit authority created  
19 under s. 66.1039, long-term care district under s. 46.2895, water utility district,  
20 mosquito control district, municipal electric company, county or city transit  
21 commission, commission created by contract under this section, taxation district,  
22 regional planning commission, housing authority created under s. 66.1201,  
23 redevelopment authority created under s. 66.1333, community development  
24 authority created under s. 66.1335, or city-county health department.

25 **SECTION 9.** 66.0903 (1) (d) of the statutes is amended to read:

**BILL**

1           66.0903 (1) (d) “Local governmental unit” means a political subdivision of this  
2 state, a special purpose district in this state, an instrumentality or corporation of  
3 such a political subdivision or special purpose district, a combination or subunit of  
4 any of the foregoing or an instrumentality of the state and any of the foregoing.  
5 “Local governmental unit” includes a regional transit authority created under s.  
6 66.1039.

7           **SECTION 10.** 66.1039 of the statutes is created to read:

8           **66.1039 Transit authorities. (1) DEFINITIONS.** In this section:

9           (a) “Authority” means a transit authority created under this section.

10           (b) “Bonds” means any bonds, interim certificates, notes, debentures, or other  
11 obligations of an authority issued under this section.

12           (c) “Common carrier” means any of the following:

13           1. A common motor carrier, as defined in s. 194.01 (1).

14           2. A contract motor carrier, as defined in s. 194.01 (2).

15           3. A railroad subject to ch. 195, as described in s. 195.02 (1) and (3).

16           4. A water carrier, as defined in s. 195.02 (5).

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

22           (e) “Municipality” means any city, village, or town.

23           (f) “Participating political subdivision” means a political subdivision that is a  
24 member of an authority, either from the time of creation of the authority or by later  
25 joining the authority.



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1 resolutions ratified at referenda, as provided in this subdivision. Once created, the  
2 authority may transact business and exercise any powers granted to it under this  
3 section.

4 2. Except as provided in subds. 5. and 6., after an authority is created under  
5 subd. 1., any political subdivision located in whole or in part within an urbanized  
6 area may join the authority if the governing body of the political subdivision adopts  
7 a resolution identical to the existing resolutions of the authority's participating  
8 political subdivisions or, if Milwaukee County is the only member of the authority,  
9 identical to the Milwaukee County board's existing resolution, the resolution is  
10 ratified by the electors at a referendum held in the political subdivision, and the  
11 authority's board of directors adopts a resolution allowing the political subdivision  
12 to join the authority.

13 3. a. Except as provided in subd. 3. b. and c., the jurisdictional area of an  
14 authority created under this paragraph is the geographic area formed by the  
15 combined territorial boundaries of all participating political subdivisions of the  
16 authority.

17 b. If the authority includes a county other than Milwaukee County as a  
18 participating political subdivision, the jurisdictional area of the authority includes  
19 only that portion of the county that is within the territorial boundaries of  
20 municipalities in the county that are also participating political subdivisions.

21 c. If a municipality that is a participating political subdivision of the authority  
22 is located in more than one county, the resolutions creating or joining the authority  
23 and the authority's bylaws may declare that, for purposes of the authority's  
24 jurisdictional area, the municipality's territorial boundaries are limited to only one  
25 of those counties.

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

2 (h) "Transportation system" means all land, shops, structures, equipment,  
3 property, franchises, and rights of whatever nature required for transportation of  
4 passengers within the jurisdictional area of the authority and, only to the extent  
5 specifically authorized under this section, outside the jurisdictional area of the  
6 authority. "Transportation system" includes elevated railroads, subways,  
7 underground railroads, motor vehicles, motor buses, and any combination thereof,  
8 and any other form of mass transportation, but does not include transportation  
9 excluded from the definition of "common motor carrier" under s. 194.01 (1) or charter  
10 or contract operations to, from, or between points that are outside the jurisdictional  
11 area of the authority.

12 (i) "Urbanized area" has the meaning given in 23 USC 134 (b) (7).

13 (2) CREATION OF TRANSIT AUTHORITIES. (f) *Regional transit authorities in*

14 *urbanized areas.* 1. Except as provided in subds. 5. and 6., any 2 or more political  
15 subdivisions located in whole or in part within an urbanized area may join together  
16 to jointly create a public body corporate and politic and a separate governmental  
17 entity, known as a "regional transit authority," if the governing body of each such  
18 political subdivision adopts a resolution authorizing the political subdivision to  
19 become a member of the authority, each resolution is ratified by the electors at a  
20 referendum held in the political subdivision, and all such resolutions are identical  
21 to each other. However, Milwaukee County may create an authority if the governing  
22 body of Milwaukee County adopts a resolution authorizing the creation of the  
23 authority and the resolution is ratified by the electors at a referendum held in  
24 Milwaukee County. Except as provided in subd. 2. and sub. (13), once created, the  
25 members of the authority shall consist of all political subdivisions that adopt

insert  
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**SECTION 10**

*b Chippewa County*

*3*

1 ~~A. If a political subdivision~~ joins an authority under subd. 2. after it is created,  
 2 the authority shall provide the department of revenue with a certified copy of the  
 3 resolution that approves the joining <sup>and</sup> the referendum results ratifying the resolution  
 4 and the resolution of the authority's board of directors allowing the political  
 5 subdivision to join the authority. The ~~political subdivision's~~ <sup>county's</sup> joining of the authority  
 6 shall take effect on the first day of the calendar quarter that begins at least 120 days  
 7 after the department receives this information. The authority shall also provide the  
 8 department with a description of the new boundaries of the authority's jurisdictional  
 9 area, as provided under sub. (4) (s) 2.

10 ~~5. A political subdivision may not create or join more than one authority under~~  
 11 ~~this paragraph.~~

12 ~~6. A county other than Milwaukee County may not create or join an authority~~  
 13 ~~under this paragraph unless a municipality located in whole or in part within the~~  
 14 ~~county is a participating political subdivision in the authority.~~

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

21 (fg) If an authority is created under sub. (2) (f), the resolutions creating the  
 22 authority under sub. (2) (f) 1. shall include identical provisions specifying the  
 23 number and composition of the authority's board of directors. However, if Milwaukee  
 24 County is the only member of the authority, the Milwaukee County board's resolution  
 25 shall specify the number and composition of the authority's board of directors. All

*ASent  
10-21*

**BILL**

1 directors shall be elected officials of one or more of the authority's participating  
2 political subdivisions. If a political subdivision joins an authority after its creation,  
3 the resolution joining the authority under sub. (2) (f) 2. shall specify what the number  
4 and composition of the authority's board of directors will be after the political  
5 subdivision's joinder, and all political subdivisions that are participating political  
6 subdivisions of the authority at the time of the new political subdivision's joinder  
7 shall amend or modify their resolutions creating or joining the authority to make  
8 them identical to the resolution of the newly joining municipality.

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

- 12 1. The functions or services to be provided by the authority.
- 13 2. The powers, duties, and limitations of the authority.
- 14 3. The maximum rate of the taxes that may be imposed by the authority under  
15 sub. (4) (s), not to exceed the maximum rate specified in s. 77.708 (1).
- 16 4. The composition of the board of directors of the authority, as determined  
17 under par. (fg). (d)

18 5. For an authority created under sub. (2) (f), the name of the authority.

19 (4) POWERS. Notwithstanding s. 59.84 (2) and any other provision of this  
20 chapter or ch. 59 or 85, an authority may do all of the following, to the extent  
21 authorized in the authority's bylaws:

- 22 (a) Establish, maintain, and operate a comprehensive unified local  
23 transportation system primarily for the transportation of persons.

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1           (b) Acquire a comprehensive unified local transportation system and provide  
2 funds for the operation and maintenance of the system. Upon the acquisition of a  
3 comprehensive unified local transportation system, the authority may:

4           1. Operate and maintain it or lease it to an operator or contract for its use by  
5 an operator.

6           2. Contract for superintendence of the system with an organization that has  
7 personnel with the requisite experience and skill.

8           3. Delegate responsibility for the operation and maintenance of the system to  
9 an appropriate administrative officer, board, or commission of a participating  
10 political subdivision.

11           4. Maintain and improve railroad rights-of-way and improvements on these  
12 rights-of-way for future use.

13           (c) Contract with a public or private organization to provide transportation  
14 services in lieu of directly providing these services.

15           (d) Purchase and lease transportation facilities to public or private transit  
16 companies that operate within and outside the jurisdictional area.

17           (e) Apply for federal aids to purchase transportation facilities considered  
18 essential for the authority's operation.

19           (f) Coordinate specialized transportation services, as defined in s. 85.21 (2) (g),  
20 for residents who reside within the jurisdictional area and who are disabled or aged  
21 60 or older, including services funded under 42 USC 3001 to 3057n, 42 USC 5001, and  
22 42 USC 5011 (b), under ss. 49.43 to 49.499 and 85.21, and under other public funds  
23 administered by the county. An authority may contract with a county that is a  
24 participating political subdivision for the authority to provide specialized  
25 transportation services, but an authority is not an eligible applicant under s. 85.21

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1 (2) (e) and may not receive payments directly from the department of transportation  
2 under s. 85.21.

3 (g) Acquire, own, hold, use, lease as lessor or lessee, sell or otherwise dispose  
4 of, mortgage, pledge, or grant a security interest in any real or personal property or  
5 service.

6 (h) Acquire property by condemnation using the procedure under s. 32.05 for  
7 the purposes set forth in this section.

8 (i) Enter upon any state, county, or municipal street, road, or alley, or any public  
9 highway for the purpose of installing, maintaining, and operating the authority's  
10 facilities. Whenever the work is to be done in a state, county, or municipal highway,  
11 street, road, or alley, the public authority having control thereof shall be duly  
12 notified, and the highway, street, road, or alley shall be restored to as good a condition  
13 as existed before the commencement of the work with all costs incident to the work  
14 to be borne by the authority.

15 (j) Fix, maintain, and revise fees, rates, rents, and charges for functions,  
16 facilities, and services provided by the authority.

17 (k) Make, and from time to time amend and repeal, bylaws, rules, and  
18 regulations to carry into effect the powers and purposes of the authority.

19 (L) Sue and be sued in its own name.

20 (m) Have and use a corporate seal.

21 (n) Employ agents, consultants, and employees, engage professional services,  
22 and purchase such furniture, stationery, and other supplies and materials as are  
23 reasonably necessary to perform its duties and exercise its powers.

24 (o) Incur debts, liabilities, or obligations including the borrowing of money and  
25 the issuance of bonds under subs. (7) and (10).

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1 (p) Invest any funds held in reserve or sinking funds, or any funds not required  
2 for immediate disbursement, including the proceeds from the sale of any bonds, in  
3 such obligations, securities, and other investments as the authority deems proper in  
4 accordance with s. 66.0603 (1m).

5 (q) Do and perform any acts and things authorized by this section under,  
6 through, or by means of an agent or by contracts with any person.

7 (r) Exercise any other powers that the board of directors considers necessary  
8 and convenient to effectuate the purposes of the authority, including providing for  
9 passenger safety.

10 (s) 1. Impose, by the adoption of a resolution by the board of directors, the taxes  
11 under subch. V of ch. 77 in the authority's jurisdictional area. If an authority adopts  
12 a resolution to impose the taxes, it shall deliver a certified copy of the resolution to  
13 the department of revenue at least 120 days before its effective date. The authority  
14 may, by adoption of a resolution by the board of directors, repeal the imposition of  
15 taxes under subch. V of ch. 77 and shall deliver a certified copy of the repeal  
16 resolution to the department of revenue at least 120 days before its effective date.

17 2. If an authority adopts a resolution to impose the tax, as provided in subd.  
18 1., an authority shall specify to the department of revenue, as provided in this  
19 subdivision, the exact boundaries of the authority's jurisdictional area. If the  
20 boundaries are the same as the county lines on all sides of the authority's  
21 jurisdictional area, the resolution shall specify the county or counties that comprise  
22 the authority's entire jurisdictional area. If the boundaries are other than a county  
23 line on any side of the authority's jurisdictional area, the authority shall provide the  
24 department with a complete list of all the 9-digit zip codes that are entirely within  
25 the authority's jurisdictional area and a complete list of all the street addresses that

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1 are within the authority's jurisdictional area and not included in any 9-digit zip code  
2 that is entirely within the authority's jurisdictional area. The authority shall  
3 provide a certified copy of the information required under this subdivision to the  
4 department, in the manner, format, and layout prescribed by the department, at  
5 least 120 days prior to the first day of the calendar quarter before the effective date  
6 of the tax imposed under subd. 1. If the boundaries of the authority's jurisdictional  
7 area subsequently change, the authority shall submit a certified copy of the  
8 information required under this subdivision to the department at least 120 days  
9 prior to the first day of the calendar quarter before the effective date of such change,  
10 in the manner, format, and layout prescribed by the department.

11 3. Notwithstanding subd. 1., an authority created under sub. (2) (f) may not  
12 impose the taxes authorized under subd. 1. unless the authorizing resolution or  
13 resolutions under sub. (2) (f) 1. and, if applicable, sub. (2) (f) 2., as well as the  
14 referendum question on the referendum ballot specified in sub. (2) (f) 1. and, if  
15 applicable, sub. (2) (f) 2., each clearly identifies the maximum rate of the taxes that  
16 may be imposed by the authority under subd. 1.

17 4. If an authority created under sub. (2) (f) adopts a resolution to impose the  
18 taxes under subd. 1., no political subdivision that is a member of the authority may  
19 levy property taxes for transit purposes in excess of the amount of property taxes  
20 levied for transit purposes in the year before the year in which the taxes are imposed  
21 under subd. 1.

22 (5) LIMITATIONS ON AUTHORITY POWERS. (a) Notwithstanding sub. (4) (a), (b), (c),  
23 (d), (q), and (r), no authority, and no public or private organization with which an  
24 authority has contracted for service, may provide service outside the jurisdictional  
25 area of the authority unless the authority receives financial support for the service



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1 under a contract with a public or other private organization for the service or unless  
2 it is necessary in order to provide service to connect residents within the authority's  
3 jurisdictional area to transit systems in adjacent counties.

4 (b) Whenever the proposed operations of an authority would be competitive  
5 with the operations of a common carrier in existence prior to the time the authority  
6 commences operations, the authority shall coordinate proposed operations with the  
7 common carrier to eliminate adverse financial impact for the carrier. This  
8 coordination may include route overlapping, transfers, transfer points, schedule  
9 coordination, joint use of facilities, lease of route service, and acquisition of route and  
10 corollary equipment. If this coordination does not result in mutual agreement, the  
11 proposals of the authority and the common carrier shall be submitted to the  
12 department of transportation for arbitration.

13 (c) In exercising its powers under sub. (4), an authority shall consider any plan  
14 of a metropolitan planning organization under 23 USC 134 that covers any portion  
15 of the authority's jurisdictional area.

16 (6) AUTHORITY OBLIGATIONS TO EMPLOYEES OF MASS TRANSPORTATION SYSTEMS. (a)  
17 An authority acquiring a comprehensive unified local transportation system for the  
18 purpose of the authority's operation of the system shall assume all of the employer's  
19 obligations under any contract between the employees and management of the  
20 system to the extent allowed by law.

21 (b) An authority acquiring, constructing, controlling, or operating a  
22 comprehensive unified local transportation system shall negotiate an agreement  
23 with the representative of the labor organization that covers the employees affected  
24 by the acquisition, construction, control, or operation to protect the interests of  
25 employees affected. This agreement shall include all of the provisions identified in

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1 s. 59.58 (4) (b) 1. to 8. and may include provisions identified in s. 59.58 (4) (c). An  
2 affected employee has all the rights and the same status under subch. IV of ch. 111  
3 that he or she enjoyed immediately before the acquisition, construction, control, or  
4 operation and may not be required to serve a probationary period if he or she attained  
5 permanent status before the acquisition, construction, control, or operation.

6 (c) In all negotiations under this subsection, a senior executive officer of the  
7 authority shall be a member of the authority's negotiating body.

8 **(7) BONDS; GENERALLY.** (a) An authority may issue bonds, the principal and  
9 interest on which are payable exclusively from all or a portion of any revenues  
10 received by the authority. The authority may secure its bonds by a pledge of any  
11 income or revenues from any operations, rent, aids, grants, subsidies, contributions,  
12 or other source of moneys whatsoever.

13 (b) An authority may issue bonds in such principal amounts as the authority  
14 deems necessary.

15 (c) 1. Neither the members of the board of directors of an authority nor any  
16 person executing the bonds is personally liable on the bonds by reason of the issuance  
17 of the bonds.

18 2. The bonds of an authority are not a debt of the participating political  
19 subdivisions. Neither the participating political subdivisions nor the state are liable  
20 for the payment of the bonds. The bonds of any authority shall be payable only out  
21 of funds or properties of the authority. The bonds of the authority shall state the  
22 restrictions contained in this paragraph on the face of the bonds.

23 **(8) ISSUANCE OF BONDS.** (a) Bonds of an authority shall be authorized by  
24 resolution of the board of directors. The bonds may be issued under such a resolution  
25 or under a trust indenture or other security instrument. The bonds may be issued

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1 in one or more series and may be in the form of coupon bonds or registered bonds  
2 under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest  
3 at the rates, be in the denominations, have the rank or priority, be executed in the  
4 manner, be payable in the medium of payment and at the places, and be subject to  
5 the terms of redemption, with or without premium, as the resolution, trust  
6 indenture, or other security instrument provides. Bonds of an authority are issued  
7 for an essential public and governmental purpose and are public instrumentalities  
8 and, together with interest and income, are exempt from taxes.

9 (b) The authority may sell the bonds at public or private sales at the price or  
10 prices determined by the authority.

11 (c) If an officer whose signatures appear on any bonds or coupons ceases to be  
12 an officer of the authority before the delivery of the bonds or coupons, the officer's  
13 signature shall, nevertheless, be valid for all purposes as if the officer had remained  
14 in office until delivery of the bonds or coupons.

15 (9) COVENANTS. An authority may do all of the following in connection with the  
16 issuance of bonds:

17 (a) Covenant as to the use of any or all of its property, real or personal.

18 (b) Redeem the bonds, or covenant for the redemption of the bonds, and provide  
19 the terms and conditions of the redemption.

20 (c) Covenant as to charge fees, rates, rents, and charges sufficient to meet  
21 operating and maintenance expenses, renewals, and replacements of any  
22 transportation system, principal and debt service on bond creation and maintenance  
23 of any reserves required by a bond resolution, trust indenture, or other security  
24 instrument and to provide for any margins or coverages over and above debt service

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1 on the bonds that the board of directors considers desirable for the marketability of  
2 the bonds.

3 (d) Covenant as to the events of default on the bonds and the terms and  
4 conditions upon which the bonds shall become or may be declared due before  
5 maturity, as to the terms and conditions upon which this declaration and its  
6 consequences may be waived, and as to the consequences of default and the remedies  
7 of bondholders.

8 (e) Covenant as to the mortgage or pledge of, or the grant of a security interest  
9 in, any real or personal property and all or any part of the revenues of the authority  
10 to secure the payment of bonds, subject to any agreements with the bondholders.

11 (f) Covenant as to the custody, collection, securing, investment, and payment  
12 of any revenues, assets, moneys, funds, or property with respect to which the  
13 authority may have any rights or interest.

14 (g) Covenant as to the purposes to which the proceeds from the sale of any bonds  
15 may be applied, and as to the pledge of such proceeds to secure the payment of the  
16 bonds.

17 (h) Covenant as to limitations on the issuance of any additional bonds, the  
18 terms upon which additional bonds may be issued and secured, and the refunding  
19 of outstanding bonds.

20 (i) Covenant as to the rank or priority of any bonds with respect to any lien or  
21 security.

22 (j) Covenant as to the procedure by which the terms of any contract with or for  
23 the benefit of the holders of bonds may be amended or abrogated, the amount of  
24 bonds, the holders of which must consent thereto, and the manner in which such  
25 consent may be given.

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1           (k) Covenant as to the custody and safekeeping of any of its properties or  
2 investments, the insurance to be carried on the property or investments, and the use  
3 and disposition of insurance proceeds.

4           (L) Covenant as to the vesting in one or more trustees, within or outside the  
5 state, of those properties, rights, powers, and duties in trust as the authority  
6 determines.

7           (m) Covenant as to the appointing of, and providing for the duties and  
8 obligations of, one or more paying agent or other fiduciaries within or outside the  
9 state.

10          (n) Make all other covenants and do any act that may be necessary or  
11 convenient or desirable in order to secure its bonds or, in the absolute discretion of  
12 the authority, tend to make the bonds more marketable.

13          (o) Execute all instruments necessary or convenient in the exercise of the  
14 powers granted under this section or in the performance of covenants or duties,  
15 which may contain such covenants and provisions as a purchaser of the bonds of the  
16 authority may reasonably require.

17          **(10) REFUNDING BONDS.** An authority may issue refunding bonds for the  
18 purpose of paying any of its bonds at or prior to maturity or upon acceleration or  
19 redemption. An authority may issue refunding bonds at such time prior to the  
20 maturity or redemption of the refunded bonds as the authority deems to be in the  
21 public interest. The refunding bonds may be issued in sufficient amounts to pay or  
22 provide the principal of the bonds being refunded, together with any redemption  
23 premium on the bonds, any interest accrued or to accrue to the date of payment of  
24 the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming  
25 the bonds being refunded, and such reserves for debt service or other capital or

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1 current expenses from the proceeds of such refunding bonds as may be required by  
2 the resolution, trust indenture, or other security instruments. To the extent  
3 applicable, refunding bonds are subject to subs. (8) and (9).

4 (11) BONDS ELIGIBLE FOR INVESTMENT. (a) Any of the following may invest funds,  
5 including capital in their control or belonging to them, in bonds of the authority:

- 6 1. Public officers and agencies of the state.
- 7 2. Local governmental units, as defined in s. 19.42 (7u).
- 8 3. Insurance companies.
- 9 4. Trust companies.
- 10 5. Banks.
- 11 6. Savings banks.
- 12 7. Savings and loan associations.
- 13 8. Investment companies.
- 14 9. Personal representatives.
- 15 10. Trustees.
- 16 11. Other fiduciaries not listed in this paragraph.

17 (b) The authority's bonds are securities that may be deposited with and  
18 received by any officer or agency of the state or any local governmental unit, as  
19 defined in s. 19.42 (7u), for any purpose for which the deposit of bonds or obligations  
20 of the state or any local governmental unit is authorized by law.

21 (12) BUDGETS; RATES AND CHARGES; AUDIT. The board of directors of an authority  
22 shall annually prepare a budget for the authority. Rates and other charges received  
23 by an authority shall be used only for the general expenses and capital expenditures  
24 of the authority, to pay interest, amortization, and retirement charges on bonds, and  
25 for specific purposes of the authority and may not be transferred to any political

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1 subdivision. The authority shall maintain an accounting system in accordance with  
2 generally accepted accounting principles and shall have its financial statements and  
3 debt covenants audited annually by an independent certified public accountant.

4 **(13) WITHDRAWAL FROM AUTHORITY.** (a) A participating political subdivision that  
5 joined an authority under sub. (2) (f) 2. may withdraw from an authority if all of the  
6 following conditions are met:

7 1. The governing body of the political subdivision adopts a resolution  
8 requesting withdrawal of the political subdivision from the authority.

9 2. The political subdivision has paid, or made provision for the payment of, all  
10 obligations of the political subdivision to the authority.

11 (b) If a participating political subdivision withdraws from an authority, the  
12 authority shall provide the department of revenue with a certified copy of the  
13 resolution that approves the withdrawal. The withdrawal is effective on the first day  
14 of the calendar quarter that begins at least 120 days after the department receives  
15 the certified copy of the resolution approving the withdrawal. If the authority from  
16 which the political subdivision withdraws continues to exist after the withdrawal,  
17 the authority shall provide information describing the exact boundaries of its  
18 jurisdictional area, as provided in sub. (4) (s) 2.

19 **(14) DUTY TO PROVIDE TRANSIT SERVICE.** An authority shall provide, or contract  
20 for the provision of, transit service within the authority's jurisdictional area.

21 **(17) OTHER STATUTES.** This section does not limit the powers of political  
22 subdivisions to enter into intergovernmental cooperation or contracts or to establish  
23 separate legal entities under s. 66.0301 or 66.1021 or any other applicable law, or  
24 otherwise to carry out their powers under applicable statutory provisions. Section  
25 66.0803 (2) does not apply to an authority.

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1           **SECTION 11.** 67.01 (5) of the statutes is amended to read:

2           67.01 (5) “Municipality” means any of the following which is authorized to levy  
3 a tax: a county, city, village, town, school district, board of park commissioners,  
4 technical college district, metropolitan sewerage district created under ss. 200.01 to  
5 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, transit  
6 authority created under s. 66.1039, public inland lake protection and rehabilitation  
7 district established under s. 33.23, 33.235, or 33.24, and any other public body  
8 empowered to borrow money and issue obligations to repay the money out of public  
9 funds or revenues. “Municipality” does not include the state.

10           **SECTION 12.** 70.11 (2) of the statutes is amended to read:

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





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1                    COUNTY, TRANSIT AUTHORITY, AND  
2                    SPECIAL DISTRICT SALES AND USE  
3                    TAXES

4            **SECTION 17.** 77.708 of the statutes is created to read:

5            **77.708 Adoption by resolution and referendum; transit authority. (1)**

6            A transit authority created under s. 66.1039, by resolution and referendum under s.  
7            66.1039 (4) (s), may impose a sales tax and a use tax under this subchapter at a rate  
8            of 0.1, 0.2, 0.3, 0.4, or 0.5 percent of the sales price or purchase price. Those taxes  
9            may be imposed only in their entirety. The resolution and referendum shall be  
10           effective on the first day of the first calendar quarter that begins at least 120 days  
11           after a certified copy of the resolution and affirmative result of the referendum are  
12           delivered to the department of revenue.

13           (2) Retailers and the department of revenue may not collect a tax under sub.  
14           (1) for any transit authority created under s. 66.1039 beginning on the first day of  
15           the calendar quarter that is at least 120 days after a certified copy of the repeal  
16           resolution under s. 66.1039 (4) (s) is delivered to the department of revenue, except  
17           that the department of revenue may collect from retailers taxes that accrued before  
18           such calendar quarter and fees, interest, and penalties that relate to those taxes.

19           **SECTION 18.** 77.71 of the statutes is amended to read:

20           **77.71 Imposition of county, transit authority, and special district sales**  
21           **and use taxes.** Whenever a county sales and use tax ordinance is adopted under  
22           s. 77.70, a transit authority resolution is adopted under s. 77.708 and affirmed by  
23           referendum, or a special district resolution is adopted under s. 77.705 or 77.706, the  
24           following taxes are imposed:

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1           (1) For the privilege of selling, licensing, leasing, or renting tangible personal  
2 property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and  
3 (d), and for the privilege of selling, licensing, performing, or furnishing services a  
4 sales tax is imposed upon retailers at the rates under s. 77.70 in the case of a county  
5 tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate  
6 under s. 77.705 or 77.706 in the case of a special district tax of the sales price from  
7 the sale, license, lease, or rental of tangible personal property and the items,  
8 property, and goods specified under s. 77.52 (1) (b), (c), and (d), except property taxed  
9 under sub. (4), sold, licensed, leased, or rented at retail in the county ~~or~~, special  
10 district, or transit authority's jurisdictional area, or from selling, licensing,  
11 performing, or furnishing services described under s. 77.52 (2) in the county ~~or~~,  
12 special district, or transit authority's jurisdictional area.

13           (2) An excise tax is imposed at the rates under s. 77.70 in the case of a county  
14 tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate  
15 under s. 77.705 or 77.706 in the case of a special district tax of the purchase price  
16 upon every person storing, using, or otherwise consuming in the county ~~or~~, special  
17 district, or transit authority's jurisdictional area tangible personal property, or  
18 items, property, or goods specified under s. 77.52 (1) (b), (c), or (d), or services if the  
19 tangible personal property, item, property, good, or service is subject to the state use  
20 tax under s. 77.53, except that a receipt indicating that the tax under sub. (1), (3),  
21 or (4) has been paid relieves the buyer of liability for the tax under this subsection  
22 and except that if the buyer has paid a similar local tax in another state on a purchase  
23 of the same tangible personal property, item, property, good, or service that tax shall  
24 be credited against the tax under this subsection and except that for motor vehicles  
25 that are used for a purpose in addition to retention, demonstration, or display while

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1 held for sale in the regular course of business by a dealer the tax under this  
2 subsection is imposed not on the purchase price but on the amount under s. 77.53  
3 (1m).

4 (3) An excise tax is imposed upon a contractor engaged in construction  
5 activities within the county ~~or~~, special district, or transit authority's jurisdictional  
6 area, at the rates under s. 77.70 in the case of a county tax, at the rate under s. 77.708  
7 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the  
8 case of a special district tax of the purchase price of tangible personal property or  
9 items, property, or goods under s. 77.52 (1) (b), (c), or (d) that are used in constructing,  
10 altering, repairing, or improving real property and that became a component part of  
11 real property in that county or special district or in the transit authority's  
12 jurisdictional area, except that if the contractor has paid the sales tax of a county,  
13 transit authority, or special district in this state on that tangible personal property,  
14 item, property, or good, or has paid a similar local sales tax in another state on a  
15 purchase of the same tangible personal property, item, property, or good, that tax  
16 shall be credited against the tax under this subsection.

17 (4) An excise tax is imposed at the rates under s. 77.70 in the case of a county  
18 tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate  
19 under s. 77.705 or 77.706 in the case of a special district tax of the purchase price  
20 upon every person storing, using, or otherwise consuming a motor vehicle, boat,  
21 recreational vehicle, as defined in s. 340.01 (48r), or aircraft, if that property must  
22 be registered or titled with this state and if that property is to be customarily kept  
23 in a county that has in effect an ordinance under s. 77.70, the jurisdictional area of  
24 a transit authority that has in effect a resolution under s. 77.708, or in a special  
25 district that has in effect a resolution under s. 77.705 or 77.706, except that if the

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1 buyer has paid a similar local sales tax in another state on a purchase of the same  
2 property that tax shall be credited against the tax under this subsection.

3 **SECTION 19.** 77.73 (2) of the statutes is amended to read:

4 77.73 (2) Counties ~~and, special districts, and transit authorities~~ do not have  
5 jurisdiction to impose the tax under s. 77.71 (2) in regard to items, property, and  
6 goods under s. 77.52 (1) (b), (c), and (d), and tangible personal property, except  
7 snowmobiles, trailers, semitrailers, all-terrain vehicles, and utility terrain vehicles,  
8 purchased in a sale that is consummated in another county or special district in this  
9 state, or in another transit authority's jurisdictional area, that does not have in effect  
10 an ordinance or resolution imposing the taxes under this subchapter and later  
11 brought by the buyer into the county ~~or, special district, or jurisdictional area of the~~  
12 transit authority that has imposed a tax under s. 77.71 (2).

13 **SECTION 20.** 77.73 (3) of the statutes is amended to read:

14 77.73 (3) Counties ~~and, special districts, and transit authorities~~ have  
15 jurisdiction to impose the taxes under this subchapter on retailers who file, or who  
16 are required to file, an application under s. 77.52 (7) or who register, or who are  
17 required to register, under s. 77.53 (9) or (9m), regardless of whether such retailers  
18 are engaged in business in the county ~~or, special district, or transit authority's~~  
19 jurisdictional area, as provided in s. 77.51 (13g). A retailer who files, or is required  
20 to file, an application under s. 77.52 (7) or who registers, or is required to register,  
21 under s. 77.53 (9) or (9m) shall collect, report, and remit to the department the taxes  
22 imposed under this subchapter for all counties ~~or, special districts, and transit~~  
23 authorities that have an ordinance or resolution imposing the taxes under this  
24 subchapter.

25 **SECTION 21.** 77.75 of the statutes is amended to read:

**BILL**

1           **77.75 Reports.** Every person subject to county, transit authority, or special  
2 district sales and use taxes shall, for each reporting period, record that person's sales  
3 made in the county ~~or~~, special district, or jurisdictional area of a transit authority  
4 that has imposed those taxes separately from sales made elsewhere in this state and  
5 file a report as prescribed by the department of revenue.

6           **SECTION 22.** 77.76 (1) of the statutes is amended to read:

7           77.76 (1) The department of revenue shall have full power to levy, enforce, and  
8 collect county, transit authority, and special district sales and use taxes and may take  
9 any action, conduct any proceeding, impose interest and penalties, and in all respects  
10 proceed as it is authorized to proceed for the taxes imposed by subch. III. The  
11 department of transportation and the department of natural resources may  
12 administer the county, transit authority, and special district sales and use taxes in  
13 regard to items under s. 77.61 (1).

14           **SECTION 23.** 77.76 (2) of the statutes is amended to read:

15           77.76 (2) Judicial and administrative review of departmental determinations  
16 shall be as provided in subch. III for state sales and use taxes, and no county, transit  
17 authority, or special district may intervene in any matter related to the levy,  
18 enforcement, and collection of the taxes under this subchapter.

19           **SECTION 24.** 77.76 (3r) of the statutes is created to read:

20           77.76 (3r) From the appropriation under s. 20.835 (4) (gc) the department of  
21 revenue shall distribute 98.5 percent of the taxes reported for each transit authority  
22 that has imposed taxes under this subchapter, minus the transit authority portion  
23 of the retailers' discount, to the transit authority no later than the end of the 3rd  
24 month following the end of the calendar quarter in which such amounts were  
25 reported. At the time of distribution the department of revenue shall indicate the

**BILL**

1 taxes reported by each taxpayer. In this subsection, the “transit authority portion  
2 of the retailers’ discount” is the amount determined by multiplying the total  
3 retailers’ discount by a fraction the numerator of which is the gross transit authority  
4 sales and use taxes payable and the denominator of which is the sum of the gross  
5 state and transit authority sales and use taxes payable. The transit authority taxes  
6 distributed shall be increased or decreased to reflect subsequent refunds, audit  
7 adjustments, and all other adjustments of the transit authority taxes previously  
8 distributed. Interest paid on refunds of transit authority sales and use taxes shall  
9 be paid from the appropriation under s. 20.835 (4) (gc) at the rate paid by this state  
10 under s. 77.60 (1) (a). Any transit authority receiving a report under this subsection  
11 is subject to the duties of confidentiality to which the department of revenue is  
12 subject under s. 77.61 (5).

13 **SECTION 25.** 77.76 (4) of the statutes is amended to read:

14 77.76 (4) There shall be retained by the state 1.5% of the taxes collected for  
15 taxes imposed by special districts under ss. 77.705 and 77.706 and transit authorities  
16 under s. 77.708 and 1.75% of the taxes collected for taxes imposed by counties under  
17 s. 77.70 to cover costs incurred by the state in administering, enforcing, and  
18 collecting the tax. All interest and penalties collected shall be deposited and retained  
19 by this state in the general fund.

20 **SECTION 26.** 77.77 (1) of the statutes is amended to read:

21 77.77 (1) (a) The sales price from services subject to the tax under s. 77.52 (2)  
22 or the lease, rental, or license of tangible personal property and property, items, and  
23 goods specified under s. 77.52 (1) (b), (c), and (d), is subject to the taxes under this  
24 subchapter, and the incremental amount of tax caused by a rate increase applicable  
25 to those services, leases, rentals, or licenses is due, beginning with the first billing

**BILL**

1 period starting on or after the effective date of the county ordinance, special district  
2 resolution, transit authority resolution, or rate increase, regardless of whether the  
3 service is furnished or the property, item, or good is leased, rented, or licensed to the  
4 customer before or after that date.

5 (b) The sales price from services subject to the tax under s. 77.52 (2) or the lease,  
6 rental, or license of tangible personal property and property, items, and goods  
7 specified under s. 77.52 (1) (b), (c), and (d), is not subject to the taxes under this  
8 subchapter, and a decrease in the tax rate imposed under this subchapter on those  
9 services first applies, beginning with bills rendered on or after the effective date of  
10 the repeal or sunset of a county ordinance or, special district resolution, or transit  
11 authority resolution imposing the tax or other rate decrease, regardless of whether  
12 the service is furnished or the property, item, or good is leased, rented, or licensed  
13 to the customer before or after that date.

14 **SECTION 27.** 77.77 (3) of the statutes is amended to read:

15 77.77 (3) The sale of building materials to contractors engaged in the business  
16 of constructing, altering, repairing or improving real estate for others is not subject  
17 to the taxes under this subchapter, and the incremental amount of tax caused by the  
18 rate increase applicable to those materials is not due, if the materials are affixed and  
19 made a structural part of real estate, and the amount payable to the contractor is  
20 fixed without regard to the costs incurred in performing a written contract that was  
21 irrevocably entered into prior to the effective date of the county ordinance, special  
22 district resolution, transit authority resolution, or rate increase or that resulted from  
23 the acceptance of a formal written bid accompanied by a bond or other performance  
24 guaranty that was irrevocably submitted before that date.

25 **SECTION 28.** 77.78 of the statutes is amended to read:



**BILL****SECTION 28**

1           **77.78 Registration.** No motor vehicle, boat, snowmobile, recreational vehicle,  
2 as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain  
3 vehicle, or aircraft that is required to be registered by this state may be registered  
4 or titled by this state unless the registrant files a sales and use tax report and pays  
5 the county tax, transit authority tax, and special district tax at the time of registering  
6 or titling to the state agency that registers or titles the property. That state agency  
7 shall transmit those tax revenues to the department of revenue.

8           ~~**SECTION 29.** 85.063 (3) (b) 1. of the statutes is amended to read:~~

9           ~~85.063 (3) (b) 1. Upon completion of a planning study under sub. (2), or, to the  
10 satisfaction of the department, of a study under s. 85.022, a political subdivision in  
11 a county, or a transit authority created under s. 66.1039, that includes the urban area  
12 may apply to the department for a grant for property acquisition for an urban rail  
13 transit system.~~

14           **SECTION 30.** 85.064 (1) (b) of the statutes is amended to read:

15           85.064 (1) (b) “Political subdivision” means any city, village, town, county, ~~or~~  
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 within this state.

18           **SECTION 31.** 345.05 (1) (ag) of the statutes is created to read:

19           345.05 (1) (ag) “Authority” means a transit authority created under s. 66.1039.

20           **SECTION 32.** 345.05 (2) of the statutes is amended to read:

21           345.05 (2) A person suffering any damage proximately resulting from the  
22 negligent operation of a motor vehicle owned and operated by a municipality or  
23 authority, which damage was occasioned by the operation of the motor vehicle in the  
24 course of its business, may file a claim for damages against the municipality or  
25 authority concerned and the governing body of the municipality, or the board of

**BILL**

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

5 **SECTION 33.** 611.11 (4) (a) of the statutes is amended to read:

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

8

(END)

insert  
33-7

D - Note



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2409/P1

ARG:wlj:jf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

INSERTS

INSERTS

1 AN ACT *to amend* 32.02 (11), 32.05 (1) (a), 32.07 (2), 40.02 (28), 66.0301 (1) (a),  
2 66.0903 (1) (d), 67.01 (5), 70.11 (2), 71.26 (1) (b), chapter 77 (title), subchapter  
3 V (title) of chapter 77 [precedes 77.70], 77.71, 77.73 (2), 77.73 (3), 77.75, 77.76  
4 (1), 77.76 (2), 77.76 (4), 77.77 (1), 77.77 (3), 77.78, 85.063 (3) (b) 1., 85.064 (1)  
5 (b), 345.05 (2) and 611.11 (4) (a); and *to create* 20.566 (1) (gc), 20.835 (4) (gc),  
6 66.1039, 77.54 (9a) (er), 77.708, 77.76 (3r), 77.76 (5) and 345.05 (1) (ag) of the  
7 statutes; **relating to:** authorizing the creation of a Chippewa Valley regional  
8 transit authority and making appropriations.

insert  
1-7

***Analysis by the Legislative Reference Bureau***

The 2009 Biennial Budget Act (2009 Act 28) authorized the creation of several regional transit authorities (RTAs): the Dane County RTA, the Chippewa Valley RTA, and the Chequamegon Bay RTA. Under 2009 Act 28, each RTA, once created, is a public body corporate and politic and a separate governmental entity. An RTA's authority is vested in its board of directors, and its bylaws govern its management, operations, and administration. Among its powers, an RTA may operate a transportation system or provide for its operation by contracting with a public or private organization; impose, by its board of directors adopting a resolution, a sales and use tax in the RTA's jurisdictional area at a rate not exceeding 0.5 percent of the

gross receipts or sales price if certain conditions are satisfied; acquire property by condemnation; and issue tax-exempt revenue bonds. An RTA has a duty to provide, or contract for the provision of, transit service within the RTA's jurisdictional area. Rates and other charges received by an RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not be transferred to any political subdivision.

insert  
ANAL-A

(no fl) With respect to the Chippewa Valley RTA, Act 28 included partial vetoes of provisions that would have required a referendum before the Chippewa Valley RTA could be created or impose a sales and use tax.

The 2011 Biennial Budget Act (2011 Act 32) eliminated authorization to create an RTA and dissolved the Dane County RTA, the Chippewa Valley RTA, and the Chequamegon Bay RTA to the extent previously created, as of September 28, 2011.

essentially

This bill restores authorization to create the Chippewa Valley RTA, with the same powers and authority as provided under 2009 Act 28, except that the bill imposes the same referendum requirements that were partially vetoed in Act 28.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

insert  
ANAL-B

insert  
ANAL-C

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

				2011-12	2012-13
3					
4	<b>20.566</b>	<b>Revenue, department of</b>			
5	(1)	COLLECTION OF TAXES			
6	(gc)	Administration of transit author-			
7		ity taxes	PR-S A	-0-	-0-

				2011-12	2012-13
8					

9 **20.835 Shared revenue and tax relief**

10	(4)	COUNTY AND LOCAL TAXES			
11	(gc)	Transit authority taxes	PR C	-0-	-0-

1 or contract operations to, from, or between points that are outside the jurisdictional  
2 area of the authority.

insert  
6-13

3 ~~(2) CREATION OF TRANSIT AUTHORITIES.~~ (c) *Chippewa Valley regional transit*  
4 *authority.* 1. The Chippewa Valley regional transit authority, a public body corporate  
5 and politic and a separate governmental entity, is created if the governing body of  
6 Eau Claire County adopts a resolution authorizing the county to become a member  
7 of the authority and the resolution is ratified by the electors at a referendum held in  
8 Eau Claire County. Once created, this authority may transact business and exercise  
9 any powers granted to it under this section.

10 2. If an authority is created under subd. 1., any municipality located in whole  
11 or in part within Eau Claire County shall be a member of the authority.

12 3. After an authority is created under subd. 1., Chippewa County may join the  
13 authority created under subd. 1. if the governing body of Chippewa County adopts  
14 a resolution to join the authority and the resolution is ratified by the electors at a  
15 referendum held in Chippewa County.

16 4. If Chippewa County joins an authority as provided in subd. 3., any  
17 municipality located in whole or in part within Chippewa County shall be a member  
18 of the authority.

paragraph

19 5. The jurisdictional area of the authority created under this subsection is the  
20 territorial boundaries of Eau Claire County or, if Chippewa County also joins the  
21 authority as provided in subd. 3., the combined territorial boundaries of Eau Claire  
22 County and Chippewa County.

23 (3) TRANSIT AUTHORITY GOVERNANCE. (a) The powers of an authority shall be  
24 vested in its board of directors. Directors shall be appointed for 4-year terms. A  
25 majority of the board of directors' full authorized membership constitutes a quorum

1 for the purpose of conducting the authority's business and exercising its powers.  
2 Action may be taken by the board of directors upon a vote of a majority of the directors  
3 present and voting, unless the bylaws of the authority require a larger number.

4 (d) 1. If an authority is created under sub. (2) (c), the board of directors of the  
5 authority shall be determined by resolution of the governing body of Eau Claire  
6 County or, if Chippewa County also joins the authority as provided in sub. (2) (c) 3.,  
7 by resolution of the governing bodies of Eau Claire County and Chippewa County,  
8 except that all of the following shall apply:

9 a. The board of directors shall consist of not more than 17 members.

10 b. The board of directors shall include at least 3 members from Eau Claire  
11 County, appointed by the county executive and approved by the county board.

12 c. If Chippewa County joins the authority as provided in sub. (2) (c) 3., the board  
13 of directors shall include at least 3 members from Chippewa County, appointed by  
14 the county executive and approved by the county board.

15 d. The board of directors shall include at least one member from the most  
16 populous city of each county that is a member, appointed by the mayor of the city and  
17 approved by the common council of the city.

18 e. The board of directors shall include at least one member from the authority's  
19 jurisdictional area, appointed by the governor.

20 2. If Chippewa County joins the authority as provided in sub. (2) (c) 3. and the  
21 governing bodies of Eau Claire County and Chippewa County are unable to agree  
22 upon a composition of the board of directors as specified in subd. 1., the board of  
23 directors of the authority shall be limited to the minimum members specified in subd.

24 1. b. to e.

Insert  
10-21

Insert  
10-21  
cmty

1 (fm) If any provision of this subsection provides for the appointment of a  
2 member of an authority's board of directors by the mayor of a city that has no mayor,  
3 the appointment shall instead be made by the chairperson of the common council.  
4 If any provision of this subsection provides for the appointment of a member of an  
5 authority's board of directors by the county executive of a county that has no county  
6 executive, the appointment shall be made by the chairperson of the county board.

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

- 10 1. The functions or services to be provided by the authority.
- 11 2. The powers, duties, and limitations of the authority.
- 12 3. The maximum rate of the taxes that may be imposed by the authority under  
13 sub. (4) (s), not to exceed the maximum rate specified in s. 77.708 (1).
- 14 4. The composition of the board of directors of the authority, as determined  
15 under par. (d).

16 (4) POWERS. Notwithstanding s. 59.84 (2) and any other provision of this  
17 chapter or ch. 59 or 85, an authority may do all of the following, to the extent  
18 authorized in the authority's bylaws:

19 (a) Establish, maintain, and operate a comprehensive unified local  
20 transportation system primarily for the transportation of persons.

21 (b) Acquire a comprehensive unified local transportation system and provide  
22 funds for the operation and maintenance of the system. Upon the acquisition of a  
23 comprehensive unified local transportation system, the authority may:

- 24 1. Operate and maintain it or lease it to an operator or contract for its use by  
25 an operator.

1 2. Local governmental units, as defined in s. 19.42 (7u).

2 3. Insurance companies.

3 4. Trust companies.

4 5. Banks.

5 6. Savings banks.

6 7. Savings and loan associations.

7 8. Investment companies.

8 9. Personal representatives.

9 10. Trustees.

10 11. Other fiduciaries not listed in this paragraph.

11 (b) The authority's bonds are securities that may be deposited with and  
12 received by any officer or agency of the state or any local governmental unit, as  
13 defined in s. 19.42 (7u), for any purpose for which the deposit of bonds or obligations  
14 of the state or any local governmental unit is authorized by law.

15 (12) BUDGETS; RATES AND CHARGES; AUDIT. The board of directors of an authority  
16 shall annually prepare a budget for the authority. Rates and other charges received  
17 by an authority shall be used only for the general expenses and capital expenditures  
18 of the authority, to pay interest, amortization, and retirement charges on bonds, and  
19 for specific purposes of the authority and may not be transferred to any political  
20 subdivision. The authority shall maintain an accounting system in accordance with  
21 generally accepted accounting principles and shall have its financial statements and  
22 debt covenants audited annually by an independent certified public accountant.

23 (13) ~~WITHDRAWAL FROM AUTHORITY~~ A participating political subdivision that  
24 becomes a member of an authority under sub. (2) (c) 4. shall withdraw from the  
25 authority if the county in which the municipality is located withdraws from the

MSX  
22-4

OK per ARG



1 authority under this subsection and a participating political subdivision that joined  
2 an authority under sub. (2) (c) 3. may withdraw from an authority if all of the  
3 following conditions are met:

4 1. (a) The governing body of the political subdivision adopts a resolution  
5 requesting withdrawal of the political subdivision from the authority.

6 2. (b) The political subdivision has paid, or made provision for the payment of, all  
7 obligations of the political subdivision to the authority.

8 (c) If a participating political subdivision withdraws from an authority, the  
9 authority shall provide the department of revenue with a certified copy of the  
10 resolution that approves the withdrawal. The withdrawal is effective on the first day  
11 of the calendar quarter that begins at least 120 days after the department receives  
12 the certified copy of the resolution approving the withdrawal. If the authority in  
13 which the withdrawing political subdivision continues to exist after the withdrawal,  
14 the authority shall provide information describing the exact boundaries of its  
15 jurisdictional area, as provided in sub. (4) (s) 2.

16 (14) DUTY TO PROVIDE TRANSIT SERVICE. An authority shall provide, or contract  
17 for the provision of, transit service within the authority's jurisdictional area.

18 (17) OTHER STATUTES. This section does not limit the powers of political  
19 subdivisions to enter into intergovernmental cooperation or contracts or to establish  
20 separate legal entities under s. 66.0301 or 66.1021 or any other applicable law, or  
21 otherwise to carry out their powers under applicable statutory provisions. Section  
22 66.0803 (2) does not apply to an authority.

23 SECTION 11. 67.01 (5) of the statutes, as affected by 2011 Wisconsin Act 32, is  
24 amended to read:

Insert  
22-4  
cont'd

OK per ARG

1 ~~authority~~ if the vehicle is either being rented or leased, or is being purchased under  
2 a contract whereby the municipality ~~or authority~~ will acquire title.

3 SECTION 34. ~~611.11 (4) (a)~~ of the statutes, as affected by 2011 Wisconsin Act 32,  
4 is amended to read:

5 611.11 (4) (a) In this subsection, "municipality" has the meaning given in s.  
6 345.05 (1) (c), but also includes any transit authority created under s. 66.1039.

7 SECTION 35. Nonstatutory provisions.

8 (1) INITIAL TERMS OF CHIPPEWA VALLEY REGIONAL TRANSIT AUTHORITY.  
9 Notwithstanding the length of terms specified for members of the board of directors  
10 of the Chippewa Valley regional transit authority under section 66.1039 (2) (c) and  
11 (3) (a) of the statutes, as created by this act, the initial terms shall be 2 years for each  
12 of the following:

13 (a) One of the members appointed under section 66.1039 (3) (d) 1. b. of the  
14 statutes, as created by this act.

15 (b) One of the members appointed under section 66.1039 (3) (d) 1. c. of the  
16 statutes, as created by this act, if applicable.

17 (c) Each member appointed under section 66.1039 (3) (d) 1. d. of the statutes,  
18 as created by this act.

19 SECTION 36. Effective date.

20 (1) This act takes effect on September 28, 2011, or on the day after publication,  
21 whichever is later.

22 (END)

Insert  
33-7