



State of Wisconsin
2017 - 2018 LEGISLATURE

August 2017 Special Session

LRBa1021/1
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**ASSEMBLY AMENDMENT 20,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

August 14, 2017 - Offered by Representatives CROWLEY, OHNSTAD, STUCK and SINICKI.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 7: after “process;” insert “authorizing the creation of a regional
3 transit authority;”.

4 **2.** Page 11, line 4: after that line insert:

5 **“20.566 Revenue, department of**

6 (1) COLLECTION OF TAXES

7 (gc) Administration of transit author-

8 ity taxes PR-S A -0- -0-

9 **20.835 Shared revenue and tax relief**

10 (4) COUNTY AND LOCAL TAXES

11 (gc) Transit authority taxes PR C -0- -0-”.

1 **3.** Page 11, line 20: after that line insert:

2 “**SECTION 5m.** 20.566 (1) (gc) of the statutes is created to read:

3 20.566 (1) (gc) *Administration of transit authority taxes.* From the moneys
4 received from the appropriation account under s. 20.835 (4) (gc), the amounts in the
5 schedule for the purpose of administering the transit authority taxes imposed under
6 s. 77.708. Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the
7 unencumbered balance in this appropriation account shall be transferred to the
8 appropriation account under s. 20.835 (4) (gc).”.

9 **4.** Page 12, line 3: after that line insert:

10 “**SECTION 6m.** 20.835 (4) (gc) of the statutes is created to read:

11 20.835 (4) (gc) *Transit authority taxes.* All moneys received from the taxes
12 imposed under s. 77.708, and from the appropriation account under s. 20.566 (1) (gc),
13 for the purpose of distribution to the transit authorities that adopt a resolution
14 imposing taxes under subch. V of ch. 77, except that 1.5 percent of those tax revenues
15 collected under subch. V of ch. 77 shall be credited to the appropriation account under
16 s. 20.566 (1) (gc).”.

17 **5.** Page 13, line 18: after that line insert:

18 “**SECTION 14m.** 32.02 (11) of the statutes is amended to read:

19 32.02 (11) Any housing authority created under ss. 66.1201 to 66.1211;
20 redevelopment authority created under s. 66.1333; community development
21 authority created under s. 66.1335; local cultural arts district created under subch.
22 V of ch. 229, subject to s. 229.844 (4) (c); ~~or~~ local exposition district created under
23 subch. II of ch. 229; or transit authority created under s. 66.1039.

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

1 32.05 (1) (a) Except as provided under par. (b), a county board of supervisors
2 or a county highway committee when so authorized by the county board of
3 supervisors, a city council, a village board, a town board, a sewerage commission
4 governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65,
5 the secretary of transportation, a commission created by contract under s. 66.0301,
6 a joint local water authority created by contract under s. 66.0823, a transit authority
7 created under s. 66.1039, a housing authority under ss. 66.1201 to 66.1211, a local
8 exposition district created under subch. II of ch. 229, a local cultural arts district
9 created under subch. V of ch. 229, a redevelopment authority under s. 66.1333 or a
10 community development authority under s. 66.1335 shall make an order providing
11 for the laying out, relocation and improvement of the public highway, street, alley,
12 storm and sanitary sewers, watercourses, water transmission and distribution
13 facilities, mass transit facilities, airport, or other transportation facilities, gas or
14 leachate extraction systems to remedy environmental pollution from a solid waste
15 disposal facility, housing project, redevelopment project, cultural arts facilities,
16 exposition center or exposition center facilities which shall be known as the
17 relocation order. This order shall include a map or plat showing the old and new
18 locations and the lands and interests required. A copy of the order shall, within 20
19 days after its issue, be filed with the county clerk of the county wherein the lands are
20 located or, in lieu of filing a copy of the order, a plat may be filed or recorded in
21 accordance with s. 84.095.

22 **SECTION 14o.** 32.07 (2) of the statutes is amended to read:

23 32.07 (2) The petitioner shall determine necessity if application is by the state
24 or any commission, department, board or other branch of state government or by a
25 city, village, town, county, school district, board, commission, public officer,

1 commission created by contract under s. 66.0301, joint local water authority under
2 s. 66.0823, transit authority created under s. 66.1039, redevelopment authority
3 created under s. 66.1333, local exposition district created under subch. II of ch. 229,
4 local cultural arts district created under subch. V of ch. 229, housing authority
5 created under ss. 66.1201 to 66.1211 or for the right-of-way of a railroad up to 100
6 feet in width, for a telegraph, telephone or other electric line, for the right-of-way
7 for a gas pipeline, main or service or for easements for the construction of any
8 elevated structure or subway for railroad purposes.

9 **SECTION 14p.** 40.02 (28) of the statutes is amended to read:

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

20 **6.** Page 15, line 24: after that line insert:

21 **“SECTION 18m.** 66.0301 (1) (a) of the statutes is amended to read:

22 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
23 “municipality” means the state or any department or agency thereof, or any city,
24 village, town, county, or school district, the opportunity schools and partnership

1 programs under subch. IX of ch. 115 and subch. II of ch. 119, the superintendent of
2 schools opportunity schools and partnership program under s. 119.33, or any public
3 library system, public inland lake protection and rehabilitation district, sanitary
4 district, farm drainage district, metropolitan sewerage district, sewer utility district,
5 solid waste management system created under s. 59.70 (2), local exposition district
6 created under subch. II of ch. 229, local professional baseball park district created
7 under subch. III of ch. 229, local professional football stadium district created under
8 subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229,
9 transit authority created under s. 66.1039, long-term care district under s. 46.2895,
10 water utility district, mosquito control district, municipal electric company, county
11 or city transit commission, commission created by contract under this section,
12 taxation district, regional planning commission, housing authority created under s.
13 66.1201, redevelopment authority created under s. 66.1333, community
14 development authority created under s. 66.1335, or city-county health department.

15 **SECTION 18n.** 66.0903 (1) (d) of the statutes is amended to read:

16 66.0903 (1) (d) “Local governmental unit” means a political subdivision of this
17 state, a special purpose district in this state, an instrumentality or corporation of
18 such a political subdivision or special purpose district, a combination or subunit of
19 any of the foregoing or an instrumentality of the state and any of the foregoing.
20 “Local governmental unit” includes a regional transit authority created under s.
21 66.1039.

22 **SECTION 18o.** 66.1039 of the statutes is created to read:

23 **66.1039 Transit authorities. (1) DEFINITIONS.** In this section:

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

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

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

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

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

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

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

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

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

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

17 (g) “Political subdivision” means a municipality or county.

18 (h) “Transportation system” means all land, shops, structures, equipment,
19 property, franchises, and rights of whatever nature required for transportation of
20 passengers within the jurisdictional area of the authority and, only to the extent
21 specifically authorized under this section, outside the jurisdictional area of the
22 authority. “Transportation system” includes elevated railroads, subways,
23 underground railroads, motor vehicles, motor buses, and any combination thereof,
24 and any other form of mass transportation, but does not include transportation
25 excluded from the definition of “common motor carrier” under s. 194.01 (1) or charter

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

3 (2) CREATION OF TRANSIT AUTHORITIES. (k) *Regional transit authority in*
4 *Kenosha, Racine, Milwaukee, and Waukesha Counties.* 1. Except as provided in
5 subds. 5. and 6., any 2 or more political subdivisions located in whole or in part within
6 Kenosha, Racine, Milwaukee, and Waukesha Counties may join together to jointly
7 create a public body corporate and politic and a separate governmental entity, known
8 as a “regional transit authority,” if the governing body of each such political
9 subdivision adopts a resolution authorizing the political subdivision to become a
10 member of the authority and all such resolutions are identical to each other.
11 However, Milwaukee County may create an authority if the governing body of
12 Milwaukee County adopts a resolution authorizing the creation of the authority.
13 Except as provided in subd. 2. and sub. (13), once created, the members of the
14 authority shall consist of all political subdivisions that adopt resolutions, as provided
15 in this subdivision. Once created, the authority may transact business and exercise
16 any powers granted to it under this section.

17 2. Except as provided in subds. 5. and 6., after an authority is created under
18 subd. 1., any political subdivision located in whole or in part within Kenosha, Racine,
19 Milwaukee, or Waukesha County may join the authority if the governing body of the
20 political subdivision adopts a resolution identical to the existing resolutions of the
21 authority’s participating political subdivisions or, if Milwaukee County is the only
22 member of the authority, identical to the Milwaukee County board’s existing
23 resolution, and the authority’s board of directors adopts a resolution allowing the
24 political subdivision to join the authority.

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

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

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

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

22 5. A political subdivision may not create or join more than one authority under
23 this paragraph.

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

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

10 (fg) If an authority is created under sub. (2) (k), the resolutions creating the
11 authority under sub. (2) (k) 1. shall include identical provisions specifying the
12 number and composition of the authority's board of directors. However, if Milwaukee
13 County is the only member of the authority, the Milwaukee County board's resolution
14 shall specify the number and composition of the authority's board of directors. If a
15 political subdivision joins an authority after its creation, the resolution joining the
16 authority under sub. (2) (k) 2. shall specify what the number and composition of the
17 authority's board of directors will be after the political subdivision's joinder, and all
18 political subdivisions that are participating political subdivisions of the authority at
19 the time of the new political subdivision's joinder shall amend or modify their
20 resolutions creating or joining the authority to make them identical to the resolution
21 of the newly joining municipality.

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

- 25 1. The functions or services to be provided by the authority.

1 2. The powers, duties, and limitations of the authority.

2 3. The maximum rate of the taxes that may be imposed by the authority under
3 sub. (4) (s), not to exceed the maximum rate specified in s. 77.708 (1).

4 4. The composition of the board of directors of the authority, as determined
5 under par. (fg).

6 5. For an authority created under sub. (2) (k), the name of the authority.

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

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

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

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

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

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

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

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

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

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

5 (f) Coordinate specialized transportation services, as defined in s. 85.21 (2) (g),
6 for residents who reside within the jurisdictional area and who are disabled or aged
7 60 or older, including services funded under 42 USC 3001 to 3057n, 42 USC 5001, and
8 42 USC 5011 (b), under ss. 49.43 to 49.499 and 85.21, and under other public funds
9 administered by the county. An authority may contract with a county that is a
10 participating political subdivision for the authority to provide specialized
11 transportation services, but an authority is not an eligible applicant under s. 85.21
12 (2) (e) and may not receive payments directly from the department of transportation
13 under s. 85.21.

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

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

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

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

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

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

6 (m) Have and use a corporate seal.

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

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

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

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

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

21 (s) 1. Impose, by the adoption of a resolution by the board of directors, the taxes
22 under subch. V of ch. 77 in the authority's jurisdictional area. If an authority adopts
23 a resolution to impose the taxes, it shall deliver a certified copy of the resolution to
24 the department of revenue at least 120 days before its effective date. The authority
25 may, by adoption of a resolution by the board of directors, repeal the imposition of

1 taxes under subch. V of ch. 77 and shall deliver a certified copy of the repeal
2 resolution to the department of revenue at least 120 days before its effective date.

3 2. If an authority adopts a resolution to impose the tax, as provided in subd.
4 1., an authority shall specify to the department of revenue, as provided in this
5 subdivision, the exact boundaries of the authority's jurisdictional area. If the
6 boundaries are the same as the county lines on all sides of the authority's
7 jurisdictional area, the resolution shall specify the county or counties that comprise
8 the authority's entire jurisdictional area. If the boundaries are other than a county
9 line on any side of the authority's jurisdictional area, the authority shall provide the
10 department with a complete list of all the 9-digit zip codes that are entirely within
11 the authority's jurisdictional area and a complete list of all the street addresses that
12 are within the authority's jurisdictional area and not included in any 9-digit zip code
13 that is entirely within the authority's jurisdictional area. The authority shall
14 provide a certified copy of the information required under this subdivision to the
15 department, in the manner, format, and layout prescribed by the department, at
16 least 120 days prior to the first day of the calendar quarter before the effective date
17 of the tax imposed under subd. 1. If the boundaries of the authority's jurisdictional
18 area subsequently change, the authority shall submit a certified copy of the
19 information required under this subdivision to the department at least 120 days
20 prior to the first day of the calendar quarter before the effective date of such change,
21 in the manner, format, and layout prescribed by the department.

22 3. Notwithstanding subd. 1., an authority created under sub. (2) (k) may not
23 impose the taxes authorized under subd. 1. unless the authorizing resolution or
24 resolutions under sub. (2) (k) 1. and, if applicable, sub. (2) (k) 2., each clearly

1 identifies the maximum rate of the taxes that may be imposed by the authority under
2 subd. 1.

3 4. If an authority created under sub. (2) (k) adopts a resolution to impose the
4 taxes under subd. 1., no political subdivision that is a member of the authority may
5 levy property taxes for transit purposes in excess of the amount of property taxes
6 levied for transit purposes in the year before the year in which the taxes are imposed
7 under subd. 1.

8 **(5) LIMITATIONS ON AUTHORITY POWERS.** (a) Notwithstanding sub. (4) (a), (b), (c),
9 (d), (q), and (r), no authority, and no public or private organization with which an
10 authority has contracted for service, may provide service outside the jurisdictional
11 area of the authority unless the authority receives financial support for the service
12 under a contract with a public or other private organization for the service or unless
13 it is necessary in order to provide service to connect residents within the authority's
14 jurisdictional area to transit systems in adjacent counties.

15 (b) Whenever the proposed operations of an authority would be competitive
16 with the operations of a common carrier in existence prior to the time the authority
17 commences operations, the authority shall coordinate proposed operations with the
18 common carrier to eliminate adverse financial impact for the carrier. This
19 coordination may include route overlapping, transfers, transfer points, schedule
20 coordination, joint use of facilities, lease of route service, and acquisition of route and
21 corollary equipment. If this coordination does not result in mutual agreement, the
22 proposals of the authority and the common carrier shall be submitted to the
23 department of transportation for arbitration.

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

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

9 (b) An authority acquiring, constructing, controlling, or operating a
10 comprehensive unified local transportation system shall negotiate an agreement
11 with the representative of the labor organization that covers the employees affected
12 by the acquisition, construction, control, or operation to protect the interests of
13 employees affected. This agreement shall include all of the provisions identified in
14 s. 59.58 (4) (b) 1. to 8. and may include provisions identified in s. 59.58 (4) (c). An
15 affected employee has all the rights and the same status under subch. IV of ch. 111
16 that he or she enjoyed immediately before the acquisition, construction, control, or
17 operation and may not be required to serve a probationary period if he or she attained
18 permanent status before the acquisition, construction, control, or operation.

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

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

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

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

6 2. The bonds of an authority are not a debt of the participating political
7 subdivisions. Neither the participating political subdivisions nor the state are liable
8 for the payment of the bonds. The bonds of any authority shall be payable only out
9 of funds or properties of the authority. The bonds of the authority shall state the
10 restrictions contained in this paragraph on the face of the bonds.

11 **(8) ISSUANCE OF BONDS.** (a) Bonds of an authority shall be authorized by
12 resolution of the board of directors. The bonds may be issued under such a resolution
13 or under a trust indenture or other security instrument. The bonds may be issued
14 in one or more series and may be in the form of coupon bonds or registered bonds
15 under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest
16 at the rates, be in the denominations, have the rank or priority, be executed in the
17 manner, be payable in the medium of payment and at the places, and be subject to
18 the terms of redemption, with or without premium, as the resolution, trust
19 indenture, or other security instrument provides. Bonds of an authority are issued
20 for an essential public and governmental purpose and are public instrumentalities
21 and, together with interest and income, are exempt from taxes.

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

24 (c) If an officer whose signatures appear on any bonds or coupons ceases to be
25 an officer of the authority before the delivery of the bonds or coupons, the officer's

1 signature shall, nevertheless, be valid for all purposes as if the officer had remained
2 in office until delivery of the bonds or coupons.

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

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

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

8 (c) Covenant as to charge fees, rates, rents, and charges sufficient to meet
9 operating and maintenance expenses, renewals, and replacements of any
10 transportation system, principal and debt service on bonds creation and
11 maintenance of any reserves required by a bond resolution, trust indenture, or other
12 security instrument and to provide for any margins or coverages over and above debt
13 service on the bonds that the board of directors considers desirable for the
14 marketability of the bonds.

15 (d) Covenant as to the events of default on the bonds and the terms and
16 conditions upon which the bonds shall become or may be declared due before
17 maturity, as to the terms and conditions upon which this declaration and its
18 consequences may be waived, and as to the consequences of default and the remedies
19 of bondholders.

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

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

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

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

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

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

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

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

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

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

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

5 **(10) REFUNDING BONDS.** An authority may issue refunding bonds for the
6 purpose of paying any of its bonds at or prior to maturity or upon acceleration or
7 redemption. An authority may issue refunding bonds at such time prior to the
8 maturity or redemption of the refunded bonds as the authority deems to be in the
9 public interest. The refunding bonds may be issued in sufficient amounts to pay or
10 provide the principal of the bonds being refunded, together with any redemption
11 premium on the bonds, any interest accrued or to accrue to the date of payment of
12 the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming
13 the bonds being refunded, and such reserves for debt service or other capital or
14 current expenses from the proceeds of such refunding bonds as may be required by
15 the resolution, trust indenture, or other security instruments. To the extent
16 applicable, refunding bonds are subject to subs. (8) and (9).

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

- 19 1. Public officers and agencies of the state.
- 20 2. Local governmental units, as defined in s. 19.42 (7u).
- 21 3. Insurance companies.
- 22 4. Trust companies.
- 23 5. Banks.
- 24 6. Savings banks.
- 25 7. Savings and loan associations.

1 8. Investment companies.

2 9. Personal representatives.

3 10. Trustees.

4 11. Other fiduciaries not listed in this paragraph.

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

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

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

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

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

24 (b) If a participating political subdivision withdraws from an authority, the
25 authority shall provide the department of revenue with a certified copy of the

1 resolution that approves the withdrawal. The withdrawal is effective on the first day
2 of the calendar quarter that begins at least 120 days after the department receives
3 the certified copy of the resolution approving the withdrawal. If the authority in
4 which the withdrawing political subdivision continues to exist after the withdrawal,
5 the authority shall provide information describing the exact boundaries of its
6 jurisdictional area, as provided in sub. (4) (s) 2.

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

9 **(17) OTHER STATUTES.** This section does not limit the powers of political
10 subdivisions to enter into intergovernmental cooperation or contracts or to establish
11 separate legal entities under s. 66.0301 or 66.1021 or any other applicable law, or
12 otherwise to carry out their powers under applicable statutory provisions. Section
13 66.0803 (2) does not apply to an authority.”

14 **7.** Page 19, line 21: after that line insert:

15 **“SECTION 21g.** 67.01 (5) of the statutes is amended to read:

16 67.01 (5) “Municipality” means any of the following which is authorized to levy
17 a tax: a county, city, village, town, school district, board of park commissioners,
18 technical college district, metropolitan sewerage district created under ss. 200.01 to
19 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, transit
20 authority created under s. 66.1039, public inland lake protection and rehabilitation
21 district established under s. 33.23, 33.235, or 33.24, and any other public body
22 empowered to borrow money and issue obligations to repay the money out of public
23 funds or revenues. “Municipality” does not include the state.”

24 **8.** Page 21, line 2: after that line insert:

1 **“SECTION 21s.** 70.11 (2) of the statutes is amended to read:

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

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

17 **9.** Page 25, line 7: after that line insert:

18 **“SECTION 27m.** 71.26 (1) (b) of the statutes is amended to read:

19 71.26 **(1)** (b) *Political units.* Income received by the United States, the state
20 and all counties, cities, villages, towns, school districts, technical college districts,
21 joint local water authorities created under s. 66.0823, transit authorities created
22 under s. 66.1039, long-term care districts under s. 46.2895 or other political units
23 of this state.”.

24 **10.** Page 29, line 5: after that line insert:

1 **“SECTION 34f.** 77.708 of the statutes is created to read:

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

8 **(2)** Retailers and the department of revenue may not collect a tax under sub.
9 (1) for any transit authority created under s. 66.1039 beginning after the calendar
10 quarter during which the transit authority adopts a repeal resolution under s.
11 66.1039 (4) (s), except that the department of revenue may collect from retailers
12 taxes that accrued before such calendar quarter and fees, interest, and penalties that
13 relate to those taxes.

14 **SECTION 34g.** 77.71 (intro.) of the statutes is amended to read:

15 **77.71 Imposition of county, transit authority, and special district sales**
16 **and use taxes.** (intro.) Whenever a county sales and use tax ordinance is adopted
17 under s. 77.70, a transit authority resolution is adopted under s. 77.708, or a special
18 district resolution is adopted under s. 77.705 or 77.706, the following taxes are
19 imposed:

20 **SECTION 34h.** 77.71 (1) of the statutes is amended to read:

21 **77.71 (1)** For the privilege of selling, licensing, leasing, or renting tangible
22 personal property and the items, property, and goods specified under s. 77.52 (1) (b),
23 (c), and (d), and for the privilege of selling, licensing, performing, or furnishing
24 services a sales tax is imposed upon retailers at the rates under s. 77.70 in the case
25 of a county tax, at the rate under s. 77.708 (1) in the case of a transit authority tax,

1 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales
2 price from the sale, license, lease, or rental of tangible personal property and the
3 items, property, and goods specified under s. 77.52 (1) (b), (c), and (d), except property
4 taxed under sub. (4), sold, licensed, leased, or rented at retail in the county ~~or~~, special
5 district, or transit authority's jurisdictional area, or from selling, licensing,
6 performing, or furnishing services described under s. 77.52 (2) in the county ~~or~~,
7 special district, or transit authority's jurisdictional area.

8 **SECTION 34i.** 77.71 (2) of the statutes is amended to read:

9 77.71 (2) An excise tax is imposed at the rates under s. 77.70 in the case of a
10 county tax, at the rate under s. 77.708 (1) in the case of a transit authority tax, or at
11 the rate under s. 77.705 or 77.706 in the case of a special district tax of the purchase
12 price upon every person storing, using, or otherwise consuming in the county ~~or~~,
13 special district, or transit authority's jurisdictional area tangible personal property,
14 or items, property, or goods specified under s. 77.52 (1) (b), (c), or (d), or services if the
15 tangible personal property, item, property, good, or service is subject to the state use
16 tax under s. 77.53, except that a receipt indicating that the tax under sub. (1), (3),
17 (4), or (5) has been paid relieves the buyer of liability for the tax under this subsection
18 and except that if the buyer has paid a similar local tax in another state on a purchase
19 of the same tangible personal property, item, property, good, or service that tax shall
20 be credited against the tax under this subsection and except that for motor vehicles
21 that are used for a purpose in addition to retention, demonstration, or display while
22 held for sale in the regular course of business by a dealer the tax under this
23 subsection is imposed not on the purchase price but on the amount under s. 77.53
24 (1m).

25 **SECTION 34j.** 77.71 (3) of the statutes is amended to read:

1 77.71 (3) An excise tax is imposed upon a contractor engaged in construction
2 activities within the county ~~or~~, special district, or transit authority's jurisdictional
3 area, at the rates under s. 77.70 in the case of a county tax, at the rate under s. 77.708
4 (1) in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in
5 the case of a special district tax of the purchase price of tangible personal property
6 or items, property, or goods under s. 77.52 (1) (b), (c), or (d) that are used in
7 constructing, altering, repairing, or improving real property and that became a
8 component part of real property in that county or special district or in the transit
9 authority's jurisdictional area, except that if the contractor has paid the sales tax of
10 a county, transit authority, or special district in this state on that tangible personal
11 property, item, property, or good, or has paid a similar local sales tax in another state
12 on a purchase of the same tangible personal property, item, property, or good, that
13 tax shall be credited against the tax under this subsection.

14 **SECTION 34k.** 77.71 (4) of the statutes is amended to read:

15 77.71 (4) An excise tax is imposed at the rates under s. 77.70 in the case of a
16 county tax, at the rate under s. 77.708 (1) in the case of a transit authority tax, or at
17 the rate under s. 77.705 or 77.706 in the case of a special district tax of the purchase
18 price upon every person storing, using, or otherwise consuming a motor vehicle, boat,
19 recreational vehicle, as defined in s. 340.01 (48r), or aircraft if that property must be
20 registered or titled with this state and if that property is to be customarily kept in
21 a county that has in effect an ordinance under s. 77.70, in the jurisdictional area of
22 a transit authority that has in effect a resolution under s. 77.708, or in a special
23 district that has in effect a resolution under s. 77.705 or 77.706, except that if the
24 buyer has paid a similar local sales tax in another state on a purchase of the same
25 property, that tax shall be credited against the tax under this subsection. The lease

1 or rental of a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r),
2 or aircraft is not taxed under this subsection if the lease or rental does not require
3 recurring periodic payments.

4 **SECTION 34L.** 77.71 (5) of the statutes is amended to read:

5 77.71 (5) An excise tax is imposed on the purchase price for the lease or rental
6 of a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft
7 at the rates under s. 77.70 in the case of a county tax, at the rate under s. 77.708 (1)
8 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the
9 case of a special district tax upon every person storing, using, or otherwise
10 consuming in the county ~~or~~, special district, or transit authority's jurisdictional area
11 the motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft
12 if that property must be registered or titled with this state and if the lease or rental
13 does not require recurring periodic payments, except that a receipt indicating that
14 the tax under sub. (1) had been paid relieves the purchaser of liability for the tax
15 under this subsection and except that if the purchaser has paid a similar local tax
16 in another state on the same lease or rental of such motor vehicle, boat, recreational
17 vehicle, as defined in s. 340.01 (48r), or aircraft, that tax shall be credited against the
18 tax under this subsection.

19 **SECTION 34m.** 77.73 (2) of the statutes is amended to read:

20 77.73 (2) Counties ~~and~~, special districts, and transit authorities do not have
21 jurisdiction to impose the tax under s. 77.71 (2) in regard to items, property, and
22 goods under s. 77.52 (1) (b), (c), and (d), and tangible personal property, except
23 snowmobiles, trailers, semitrailers, limited use off-highway motorcycles, as defined
24 in s. 23.335 (1) (o), all-terrain vehicles, and utility terrain vehicles, purchased in a
25 sale that is consummated in another county or special district in this state, or in

1 another transit authority's jurisdictional area, that does not have in effect an
2 ordinance or resolution imposing the taxes under this subchapter and later brought
3 by the buyer into the county ~~or~~, special district, or jurisdictional area of the transit
4 authority that has imposed a tax under s. 77.71 (2).

5 **SECTION 34n.** 77.73 (3) of the statutes is amended to read:

6 77.73 (3) Counties ~~and~~, special districts, and transit authorities have
7 jurisdiction to impose the taxes under this subchapter on retailers who file, or who
8 are required to file, an application under s. 77.52 (7) or who register, or who are
9 required to register, under s. 77.53 (9) or (9m), regardless of whether such retailers
10 are engaged in business in the county ~~or~~, special district, or transit authority's
11 jurisdictional area, as provided in s. 77.51 (13g). A retailer who files, or is required
12 to file, an application under s. 77.52 (7) or who registers, or is required to register,
13 under s. 77.53 (9) or (9m) shall collect, report, and remit to the department the taxes
14 imposed under this subchapter for all counties ~~or~~, special districts, and transit
15 authorities that have an ordinance or resolution imposing the taxes under this
16 subchapter.

17 **SECTION 34o.** 77.75 of the statutes is amended to read:

18 **77.75 Reports.** Every person subject to county, transit authority, or special
19 district sales and use taxes shall, for each reporting period, record that person's sales
20 made in the county ~~or~~, special district, or jurisdictional area of a transit authority
21 that has imposed those taxes separately from sales made elsewhere in this state and
22 file a report as prescribed by the department of revenue.

23 **SECTION 34p.** 77.76 (1) of the statutes is amended to read:

24 77.76 (1) The department of revenue shall have full power to levy, enforce, and
25 collect county, transit authority, and special district sales and use taxes and may take

1 any action, conduct any proceeding, impose interest and penalties, and in all respects
2 proceed as it is authorized to proceed for the taxes imposed by subch. III. The
3 department of transportation and the department of natural resources may
4 administer the county, transit authority, and special district sales and use taxes in
5 regard to items under s. 77.61 (1).

6 **SECTION 34q.** 77.76 (2) of the statutes is amended to read:

7 77.76 (2) Judicial and administrative review of departmental determinations
8 shall be as provided in subch. III for state sales and use taxes, and no county, transit
9 authority, or special district may intervene in any matter related to the levy,
10 enforcement, and collection of the taxes under this subchapter.

11 **SECTION 34r.** 77.76 (3r) of the statutes is created to read:

12 77.76 (3r) From the appropriation under s. 20.835 (4) (gc), the department of
13 revenue shall distribute 98.5 percent of the taxes reported for each transit authority
14 that has imposed taxes under this subchapter, minus the transit authority portion
15 of the retailers' discount, to the transit authority no later than the end of the 3rd
16 month following the end of the calendar quarter in which such amounts were
17 reported. At the time of distribution, the department of revenue shall indicate the
18 taxes reported by each taxpayer. In this subsection, the "transit authority portion
19 of the retailers' discount" is the amount determined by multiplying the total
20 retailers' discount by a fraction the numerator of which is the gross transit authority
21 sales and use taxes payable and the denominator of which is the sum of the gross
22 state and transit authority sales and use taxes payable. The transit authority taxes
23 distributed shall be increased or decreased to reflect subsequent refunds, audit
24 adjustments, and all other adjustments of the transit authority taxes previously
25 distributed. Interest paid on refunds of transit authority sales and use taxes shall

1 be paid from the appropriation under s. 20.835 (4) (gc) at the rate paid by this state
2 under s. 77.60 (1) (a). Any transit authority receiving a report under this subsection
3 is subject to the duties of confidentiality to which the department of revenue is
4 subject under s. 77.61 (5).

5 **SECTION 34s.** 77.76 (4) of the statutes is amended to read:

6 77.76 (4) There shall be retained by the state 1.5 percent of the taxes collected
7 for taxes imposed by special districts under ss. 77.705 and 77.706 and transit
8 authorities under s. 77.708 and 1.75 percent of the taxes collected for taxes imposed
9 by counties under s. 77.70 to cover costs incurred by the state in administering,
10 enforcing, and collecting the tax. All interest and penalties collected shall be
11 deposited and retained by this state in the general fund.

12 **SECTION 34t.** 77.77 (1) of the statutes is amended to read:

13 77.77 (1) (a) The sales price from services subject to the tax under s. 77.52 (2)
14 or the lease, rental, or license of tangible personal property and property, items, and
15 goods specified under s. 77.52 (1) (b), (c), and (d), is subject to the taxes under this
16 subchapter, and the incremental amount of tax caused by a rate increase applicable
17 to those services, leases, rentals, or licenses is due, beginning with the first billing
18 period starting on or after the effective date of the county ordinance, special district
19 resolution, transit authority resolution, or rate increase, regardless of whether the
20 service is furnished or the property, item, or good is leased, rented, or licensed to the
21 customer before or after that date.

22 (b) The sales price from services subject to the tax under s. 77.52 (2) or the lease,
23 rental, or license of tangible personal property and property, items, and goods
24 specified under s. 77.52 (1) (b), (c), and (d), is not subject to the taxes under this
25 subchapter, and a decrease in the tax rate imposed under this subchapter on those

1 services first applies, beginning with bills rendered on or after the effective date of
2 the repeal or sunset of a county ordinance or, special district resolution, or transit
3 authority resolution imposing the tax or other rate decrease, regardless of whether
4 the service is furnished or the property, item, or good is leased, rented, or licensed
5 to the customer before or after that date.

6 **SECTION 34u.** 77.77 (3) of the statutes is amended to read:

7 77.77 (3) The sale of building materials to contractors engaged in the business
8 of constructing, altering, repairing or improving real estate for others is not subject
9 to the taxes under this subchapter, and the incremental amount of tax caused by the
10 rate increase applicable to those materials is not due, if the materials are affixed and
11 made a structural part of real estate, and the amount payable to the contractor is
12 fixed without regard to the costs incurred in performing a written contract that was
13 irrevocably entered into prior to the effective date of the county ordinance, special
14 district resolution, transit authority resolution, or rate increase or that resulted from
15 the acceptance of a formal written bid accompanied by a bond or other performance
16 guaranty that was irrevocably submitted before that date.

17 **SECTION 34v.** 77.78 of the statutes is amended to read:

18 **77.78 Registration.** No motor vehicle, boat, snowmobile, recreational vehicle,
19 as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle, utility terrain
20 vehicle, or aircraft that is required to be registered by this state may be registered
21 or titled by this state unless the registrant files a sales and use tax report and pays
22 the county tax, transit authority tax, and special district tax at the time of registering
23 or titling to the state agency that registers or titles the property. That state agency
24 shall transmit those tax revenues to the department of revenue.”.

1 **13.** Page 30, line 17: after that line insert:

2 “**SECTION 36e.** 85.064 (1) (b) of the statutes is amended to read:

3 85.064 (1) (b) “Political subdivision” means any city, village, town, county, or
4 transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.
5 66.0301, or transit authority created under s. 66.1039 within this state.”.

6 **14.** Page 31, line 12: after that line insert:

7 “**SECTION 36s.** 111.70 (1) (j) of the statutes is repealed and recreated 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. 66.1039, local cultural arts district created under subch. V of ch.
11 229, or any other political subdivision of the state, or instrumentality of one or more
12 political subdivisions of the state, that engages the services of an employee and
13 includes any person acting on behalf of a municipal employer within the scope of the
14 person’s authority, express or implied.”.

15 **15.** Page 40, line 14: after that line insert:

16 “**SECTION 59m.** 345.05 (1) (ag) of the statutes is created to read:

17 345.05 (1) (ag) “Authority” means a transit authority created under s. 66.1039.

18 **SECTION 59n.** 345.05 (2) of the statutes is amended to read:

19 345.05 (2) A person suffering any damage proximately resulting from the
20 negligent operation of a motor vehicle owned and operated by a municipality or
21 authority, which damage was occasioned by the operation of the motor vehicle in the
22 course of its business, may file a claim for damages against the municipality or
23 authority concerned and the governing body of the municipality, or the board of
24 directors of the authority, may allow, compromise, settle and pay the claim. In this

1 subsection, a motor vehicle is deemed owned and operated by a municipality or
2 authority if the vehicle is either being rented or leased, or is being purchased under
3 a contract whereby the municipality or authority will acquire title.

4 **SECTION 59o.** 611.11 (4) (a) of the statutes 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 (END)