

CHAPTER 568.

AN ACT to repeal 66.94 (7) (b), (c), (d), (13) (b), and (30) (c); to renumber and amend 66.94 (7) (e); to amend 66.94 (1) (c), (4), (6), (8) (subsection heading), (12) and (30) (a); to repeal and recreate 64.94 (5) (b), (7) (a), and (14) (b); and to create 66.94 (5) (c) of the statutes, relating to metropolitan transit authority.

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

SECTION 1. 66.94 (1) (c) and (4) of the statutes are amended to read:

66.94 (1) (c) "Transportation system" means all * * * *land, shops, structures,* equipment, property, franchises and rights of whatever nature * * * *required* for transportation of passengers for hire, *freight and express,* except all transportation facilities extending beyond the boundaries of the metropolitan district, and * * * *except all express and freight operations not operated in combination with transportation of passengers, including, however,* without limitation, street railways, elevated railroads, subways, underground railroads, motor vehicles, trackless trolley busses, motor busses, and any combination thereof, or any other form of mass transportation operation.

(4) This section may be adopted by any city, village or town within the metropolitan district in the following manner: The governing body of any municipality, by ordinance passed at least 30 days prior to submission of the question, may direct that the question of the adoption of this section be submitted to the electors therein at any general, special, judicial or local election. The clerk of such municipality or the election commission of any city of the first class shall thereupon submit the question to popular vote. Public notice of the election shall be given in the same manner as in case of a regular municipal election except that such notice shall be published or posted at least 20 days prior to the election. If a majority of those voting on the question vote in the affirmative thereon, this section shall be adopted in such municipality. The proposition on the ballot to be used at such election shall be in substantially the following form:

Shall section 66.94 of the Wisconsin statutes which creates a metropolitan transit authority for ownership and operation of a public mass transportation system in the metropolitan district be adopted?

YES

NO

SECTION 2. 66.94 (5) (b) of the statutes is repealed and recreated to read:

66.94 (5) (b) *Exempt from taxation.* The authority, its property (real or personal), franchises and income and the bonds, certificates and other obligations issued by it, and the interest thereon, shall be exempt from all ad valorem and income taxes by the state, any county, municipality, public corporation or other political subdivision or agency of the state.

SECTION 3. 66.94 (5) (c) of the statutes is created to read:

66.94 (5) (c) *Tax equivalent.* In lieu of the property taxes levied under chapter 76, and in lieu of the income taxes levied under chapter 71 which, but for the provisions of paragraph (b), would be due and payable as the state's share of such property and income taxes, there shall be paid to the state treasurer, as a tax equivalent but not in excess of the state's current share of said property and income taxes, the net revenues of the next preceding year, after the payment of (1) all operating costs, including all charges which may be incurred pursuant to subsections (29) and (34) and all other costs and charges incidental to the operation of the transportation system; (2) interest on and principal of all bonds payable from said revenues and to meet all other charges upon such revenues as provided by any trust agreement executed by the authority in connection with the issuance of bonds or certificates; (3) all costs and charges incurred pursuant to subsections (32) and (33) and any other costs and charges for acquisition, installation, construction or replacement or reconstruction of equipment, structures or rights-of-way not financed through the issuance of bonds or certificates under subsection (15); and (4) any compensation required to be paid to any municipality for the use of streets, viaducts, bridges, subways and other public ways. Deficiencies in any annual tax equivalent shall not be cumulative.

SECTION 4. 66.94 (6) of the statutes is amended to read:

66.94 (6) The governing and administrative body of the authority shall be a board consisting of 7 members to be known as the metropolitan transit board. Members of the board *must live within the metropolitan district.* They shall be men of recognized business ability. No member of the board or employe of the authority shall hold any other office

or employment under the federal, state or any county or any municipal government except as honorary office without compensation or an office in the military service. *No member of the board shall hold any other office in or be employed by the authority.* No member of the board or employe of the authority shall have any private financial interest or profit directly or indirectly in any contract, work or business of the authority nor in the sale of or lease of any property to or from the authority. No member of the board shall be paid any salary, fee or compensation for his services except that he shall be reimbursed for actual expenses incurred by him in the performance of his duties.

SECTION 5. 66.94 (7) (a) of the statutes is repealed and recreated to read:

66.94 (7) (a) *Appointment and terms of office.* The members of the board shall hold office for terms of 7 years, except for the initial terms herein provided. Three members shall be appointed by the mayor of the city having the largest population within the district. These appointments shall be for initial terms of 1, 3 and 7 years, respectively. Three members shall be appointed by the governor of the state of Wisconsin for initial terms of 2, 4 and 6 years, respectively. The 6 members so appointed will nominate the seventh member by majority vote for an initial term of 5 years, and his appointment shall be approved and made by the governor. If no seventh member is nominated either by the original board within 60 days of its appointment, or by any subsequent board within 60 days after a vacancy occurs in the office of the seventh member, then the governor shall appoint the seventh member. At the expiration of initial terms, successors shall be appointed in the same manner for terms of 7 years. Five members shall constitute a quorum.

SECTION 6. 66.94 (7) (b), (c) and (d) of the statutes are repealed.

SECTION 7. 66.94 (7) (e) of the statutes is renumbered 66.94 (7) (b) and amended to read:

66.94 (7) (b) Successors to members shall be * * * appointed in the same manner as their predecessors. In the event of a vacancy, a successor shall be * * * appointed in like manner. In addition to death, resignation, legal incompetency or conviction of a felony, a member shall vacate his office by removing his permanent residence from the district.

SECTION 8. 66.94 (8) (subsection heading) and (12) of the statutes are amended to read:

66.94 (8) (subsection heading) RESIGNATIONS AND REMOVALS.

(12) The authority shall have power to enter into agreements for the joint use * * * by the authority and any railroad, person or public body owning or operating any transportation facilities either within or without the district * * * of any property or rights of the authority or such railroad, person or public body operating any transportation facilities for any suitable purpose and for the establishment of through routes, joint fares and transfer of passengers.

SECTION 9. 66.94 (13) (b) of the statutes is repealed.

SECTION 10. 66.94 (14) (b) of the statutes is repealed and recreated to read:

66.94 (14) (b) *Right to existing service.* Nothing contained herein shall deprive any town, city or village of the transportation facility existing at the time of the effective date of this paragraph or the right to seek extensions thereof as contemplated by statutes.

SECTION 11. 66.94 (30) (a) of the statutes is amended to read:

66.94 (30) (a) The board shall, notwithstanding any law to the contrary, have exclusive authority and it shall be its duty to establish rates, fares and other charges, * * * and to make all rules and regulations for the operation of the transportation system. The board shall also have * * * the authority * * *, subject to the jurisdiction of the public service commission as to the reasonableness and adequacy thereof, to determine * * * and make effective standards of service, and to establish, change, extend, shorten or abandon routings all in accordance with the statutes in such cases made and provided subject to the provisions of any ordinance of any municipality granting rights to the authority.

SECTION 12. 66.94 (30) (c) of the statutes is repealed.

Approved July 6, 1951.