

LRB-1656/1

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2013 - 2014 LEGISLATURE

2013 SENATE BILL 259

August 21, 2013 - Introduced by Senator ELLIS, cosponsored by Representative BERNARD SCHABER. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

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

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

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.

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.



This bill authorizes the creation of a Fox Cities RTA, with the same powers and authority as provided other RTAs under 2009 Act 28. Under the bill, the Fox Cities RTA is created if the governing body of any two or more municipalities located in whole or in part within the urbanized Fox Cities metropolitan planning area (planning area) adopt a resolution authorizing the municipality to become a member of the RTA and each resolution is ratified by the electors at a referendum held in the municipality. Each resolution must also include an identical provision 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. After the Fox Cities RTA is created, any municipality located in whole or in part within the planning area, and any municipality within the counties of Outagamie, Calumet, or Winnebago that is outside the planning area, may also join the RTA if the governing body of the municipality adopts a resolution to join the RTA, the

resolution is ratified by the electors at a referendum held in the municipality, and the board of directors of the RTA approves. The jurisdictional area of the Fox Cities RTA is the geographic area encompassing the combined territorial boundaries of all municipalities creating or joining the RTA.

The provisions of 2009 Act 28 are recreated to establish the powers and duties of the Fox Cities RTA. In brief, the RTA's authority is vested in its board of directors and its bylaws govern its management, operations, and administration. The 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. The 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 the 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:

- 1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the
 2 appropriate place, insert
 the following amounts for the purposes indicated: - See PDF for table
 - See PDF for table 
- 3 **SECTION 2.** 20.566 (1) (gc) of the statutes is created to read:
 4 **20.566 (1) (gc)** *Administration of transit authority taxes.* From
 the moneys

5 received from the appropriation account under s. 20.835 (4) (gc), the
 6 amounts in the
 7 schedule for the purpose of administering the transit authority taxes
 8 imposed under
 9 s. 77.708. Notwithstanding s. 20.001 (3) (a), at the end of the fiscal
 10 year the
 11 unencumbered balance in this appropriation account shall be
 12 transferred to the
 13 appropriation account under s. 20.835 (4) (gc).

14 **SECTION 3.** 20.835 (4) (gc) of the statutes is created to read:
 15 20.835 (4) (gc) *Transit authority taxes.* All moneys received
 16 from the taxes
 17 imposed under s. 77.708, and from the appropriation account under s.
 18 20.566 (1) (gc),

19 for the purpose of distribution to the transit authorities that
 20 adopt a resolution
 21 imposing taxes under subch. V of ch. 77 which is affirmed by
 22 referendum, except that
 23 1.5 percent of those tax revenues collected under subch. V of ch. 77
 24 shall be credited
 25 to the appropriation account under s. 20.566 (1) (gc).

26 **SECTION 4.** 32.02 (11) of the statutes is amended to read:
 27 32.02 (11) Any housing authority created under ss. 66.1201 to
 28 66.1211;
 29 redevelopment authority created under s. 66.1333; community
 30 development
 31 authority created under s. 66.1335; local cultural arts district created
 32 under subch.
 33 V of ch. 229, subject to s. 229.844 (4) (c); ~~or~~ local exposition district
 34 created under
 35 subch. II of ch. 229; or transit authority created under s. 66.1039.

36 **SECTION 5.** 32.05 (1) (a) of the statutes is amended to read:
 37 32.05 (1) (a) Except as provided under par. (b), a county
 38 board of supervisors
 39 or a county highway committee when so authorized by the county
 40 board of
 41 supervisors, a city council, a village board, a town board, a sewerage
 42 commission
 43 governing a metropolitan sewerage district created by ss. 200.05 or
 44 200.21 to 200.65,
 45 the secretary of transportation, a commission created by contract
 46 under s. 66.0301,
 47 a joint local water authority created by contract under s. 66.0823, a
 48 transit authority
 49 created under s. 66.1039, a housing authority under ss. 66.1201 to
 50 66.1211, a local
 51 exposition district created under subch. II of ch. 229, a local cultural
 52 arts district
 53 created under subch. V of ch. 229, a redevelopment authority under s.
 54 66.1333 or a

21 community development authority under s. 66.1335 shall make an
22 order providing
23 for the laying out, relocation and improvement of the public highway,
24 street, alley,
25 storm and sanitary sewers, watercourses, water transmission and
distribution
facilities, mass transit facilities, airport, or other transportation
facilities, gas or
leachate extraction systems to remedy environmental pollution from a
solid waste

1 disposal facility, housing project, redevelopment project,
2 cultural arts facilities,
3 exposition center or exposition center facilities which shall be known
4 as the
5 relocation order. This order shall include a map or plat showing the
6 old and new
7 locations and the lands and interests required. A copy of the order
8 shall, within 20
9 days after its issue, be filed with the county clerk of the county
10 wherein the lands are
11 located or, in lieu of filing a copy of the order, a plat may be filed or
12 recorded in
13 accordance with s. 84.095.

14 **SECTION 6.** 32.07 (2) of the statutes is amended to read:
15 **32.07 (2)** The petitioner shall determine necessity if
16 application is by the state
17 or any commission, department, board or other branch of state
18 government or by a
19 city, village, town, county, school district, board, commission, public
20 officer,
21 commission created by contract under s. 66.0301, joint local water
22 authority under
23 s. 66.0823, transit authority created under s. 66.1039, redevelopment
authority
created under s. 66.1333, local exposition district created under subch.
II of ch. 229,
local cultural arts district created under subch. V of ch. 229, housing
authority
created under ss. 66.1201 to 66.1211 or for the right-of-way of a
railroad up to 100
feet in width, for a telegraph, telephone or other electric line, for the
right-of-way
for a gas pipeline, main or service or for easements for the
construction of any
elevated structure or subway for railroad purposes.

20 **SECTION 7.** 40.02 (28) of the statutes is amended to read:
21 **40.02 (28)** "Employer" means the state, including each state
22 agency, any
23 county, city, village, town, school district, other governmental unit or
instrumentality of 2 or more units of government now existing or

hereafter created
24 within the state, any federated public library system established
under s. 43.19
25 whose territory lies within a single county with a population of
500,000 or more, a

1 local exposition district created under subch. II of ch. 229, a
transit authority created
2 under s. 66.1039, and a long-term care district created under s.
46.2895, except as
3 provided under ss. 40.51 (7) and 40.61 (3). "Employer" does not
include a local
4 cultural arts district created under subch. V of ch. 229. Each employer
shall be a
5 separate legal jurisdiction for OASDHI purposes.

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

7 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this
section

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

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

23 66.0903 (1) (d) "Local governmental unit" means a political
subdivision of this
24 state, a special purpose district in this state, an instrumentality or
corporation of

25 such a political subdivision or special purpose district, a combination
or subunit of

1 any of the foregoing or an instrumentality of the state and
any of the foregoing.

2 "Local governmental unit" includes a regional transit authority
created under s.

3 66.1039.

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

5 **66.1039 Transit authorities. (1) DEFINITIONS.** In this
section:

6 (a) "Authority" means a transit authority created under this
section.

7 (b) "Bonds" means any bonds, interim certificates, notes,
debentures, or other
8 obligations of an authority issued under this section.

9 (c) "Common carrier" means any of the following:

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

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

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

and (3).

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

14 (d) "Comprehensive unified local transportation system"

means a

15 transportation system that is comprised of motor bus lines and any
other local public

16 transportation facilities, the major portion of which is located within,
or the major

17 portion of the service of which is supplied to the inhabitants of, the
jurisdictional area

18 of the authority.

19 (e) "Municipality" means any city, village, or town.

20 (f) "Participating political subdivision" means a political
subdivision that is a

21 member of an authority, either from the time of creation of the
authority or by later

22 joining the authority.

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

24 (h) "Transportation system" means all land, shops,
structures, equipment,

25 property, franchises, and rights of whatever nature required for
transportation of

1 passengers within the jurisdictional area of the authority
and, only to the extent

2 specifically authorized under this section, outside the jurisdictional
area of the

3 authority. "Transportation system" includes elevated railroads,
subways,

4 underground railroads, motor vehicles, motor buses, and any

5 combination thereof,
6 and any other form of mass transportation, but does not include
7 transportation
8 excluded from the definition of "common motor carrier" under s.
9 194.01 (1) or charter
10 or contract operations to, from, or between points that are outside the
11 jurisdictional
12 area of the authority.

13 (i) "Urbanized Fox Cities metropolitan planning area" means
14 the urbanized
15 area, as defined in 23 USC 134 (b) (7), of the metropolitan planning
16 area, as defined
17 in 23 USC 134 (b) (1), that includes the city of Appleton.

18 **(2) CREATION OF TRANSIT AUTHORITIES.** (d) *Fox Cities*
19 *regional transit authority.*

20 1. The Fox Cities regional transit authority, a public body corporate
21 and politic and
22 a separate governmental entity, is created if the governing body of
23 any 2 or more
24 municipalities located in whole or in part within the urbanized Fox
25 Cities
metropolitan planning area adopt a resolution authorizing the
municipality to
become a member of the authority and each resolution is ratified by
the electors at
a referendum held in the municipality at a general election. Except as
provided in
subds. 2. and 3., once created, this authority shall consist of all
municipalities that
adopt a resolution ratified at a referendum, as provided in this
subdivision. Once
created, this authority may transact business and exercise any powers
granted to it
under this section.

26 2. After an authority is created under subd. 1., any
27 municipality located in
28 whole or in part within the urbanized Fox Cities metropolitan
29 planning area may
30 join the authority created under subd. 1. if the governing body of the
31 municipality

32 adopts a resolution to join the authority, the resolution is
33 ratified by the electors at
34 a referendum held in the municipality, and the board of directors of
35 the authority
36 approves the municipality's joinder.

37 3. After an authority is created under subd. 1., any
38 municipality located in
39 whole or in part within Outagamie County, Calumet County, or
40 Winnebago County
41 that is not located in whole or in part within the urbanized Fox Cities

7 metropolitan
8 planning area may join the authority created under subd. 1. if the
9 governing body
10 of the municipality adopts a resolution to join the authority, the
11 resolution is ratified
12 by the electors at a referendum held in the municipality, and the
13 board of directors
of the authority approves the municipality's joinder.

4. The jurisdictional area of the authority created under this paragraph is the geographic area formed by the combined territorial boundaries of all municipalities that create or join the authority under subds. 1., 2., and 3.