

LRB-3471/2

ARG:wlj:ph

## 2011 - 2012 LEGISLATURE

**2011 ASSEMBLY BILL 574**

February 17, 2012 - Introduced by Representatives BERNARD SCHABER, STEINEKE, LITJENS, BERCEAU, HINTZ and PASCH, cosponsored by Senator ELLIS. Referred to Committee on Transportation.

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), 77.76 (5) 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

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.

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  
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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  
appropriate place, insert  
2                   the following amounts for the purposes indicated: - See PDF for table  
3                   - 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