



2001 SENATE BILL 424

February 5, 2002 - Introduced by Senators ERPENBACH, DECKER, HANSEN, BAUMGART and WIRCH, cosponsored by Representatives HUBER, UNDERHEIM, ZIEGELBAUER, MUSSER, PLOUFF, URBAN, BALOW, KRAWCZYK, J. LEHMAN, JESKEWITZ, TURNER, SUDER, MILLER, OLSEN, LASSA, OTT, BERCEAU, GUNDERSON, SHILLING, DUFF, MEYERHOFER and KAUFERT. Referred to Committee on Universities, Housing, and Government Operations.

1 **AN ACT** *to renumber* 66.0617 (2) (am); *to amend* 5.02 (21), 5.58 (3), 5.68 (2), 5.68
2 (3), 7.51 (3) (b), 7.51 (3) (d), 7.51 (4) (b), 7.51 (5), 9.10 (1) (a), 9.10 (1) (b), 9.10 (2)
3 (d), 9.10 (3) (a), 9.10 (4) (a), 9.10 (4) (d), 9.10 (7), 10.05, 10.07 (1), 11.31 (1) (h)
4 (intro.), 17.13 (intro.), 17.13 (3), 23.09 (19) (a) 2., 23.09 (20) (ab) 1., 23.09 (20m)
5 (a) 1., 23.0917 (4m) (a) 3., 23.094 (1), 25.50 (1) (d), 27.01 (3), 27.075 (1), 27.075
6 (2), 27.075 (3), 27.075 (4), 27.08 (1), 27.08 (3), 30.277 (1b) (a), 66.0301 (1) (a),
7 66.0617 (1) (a), 66.0617 (1) (c), 66.0617 (1) (d), 66.0617 (1) (g), 66.0617 (1) (h),
8 66.0617 (2) (a), 66.0617 (3), 66.0617 (4) (a) (intro.), 66.0617 (4) (b), 66.0617 (5),
9 66.0617 (6) (intro.), 66.0617 (6) (b), 66.0617 (7), 66.0617 (8), 66.0617 (9), 66.0617
10 (10), 67.01 (5), 71.26 (1) (bm) and 79.03 (3) (b) 4. a.; and *to create* 5.58 (1u), 5.60
11 (6u), 7.53 (3m), 8.10 (6) (e), 8.11 (2f), 11.02 (8), 17.01 (11m), 17.27 (1f), 66.0617
12 (1) (dg), 66.0617 (2) (am) 2., 66.0617 (6) (h), 66.0617 (11), 70.11 (37m), 77.25
13 (18m), 77.54 (9a) (i) and subchapter VI of chapter 229 [precedes 229.86] of the
14 statutes; **relating to:** authorizing the creation of a local park and recreation

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1 district, authorizing a local park and recreation district to levy a property tax,
2 authorizing a local park and recreation district to apply for funding from
3 certain programs that receive funding from the stewardship 2000 program, and
4 authorizing a local park and recreation district to impose impact fees and issue
5 debt.

Analysis by the Legislative Reference Bureau

CREATION AND DISSOLUTION OF A DISTRICT

This bill authorizes certain municipalities (any city other than a city that has a majority of its territory located in a county with a population greater than 500,000, any village other than a village that has a majority of its territory located in a county with a population greater than 500,000, or any town) to jointly create a local park and recreation district (district). A district is a local unit of government that is a body corporate and politic and that is separate and distinct from, and independent of, the state and the municipalities within its jurisdiction.

Subject to a number of conditions, a district may be created by one of two methods. Under the first method, the governing bodies of two or more municipalities adopt an enabling resolution that declares the need for establishing the district and contains a detailed description of the boundaries of the proposed district. Each municipality that adopts a substantially similar enabling resolution within 90 days, beginning with the date of adoption of the first enabling resolution, may be part of the initial jurisdiction of a district. Under the second method, a district consisting of two or more municipalities may be created by a petition and referendum. The petition must be circulated on or after December 1 and must be filed no later than 5 p.m. on the first Tuesday in January in each municipality within the proposed boundaries of the district. If it is signed by a number of qualified electors residing in the municipality equal to at least 15% of the votes cast for governor in the municipality at the last gubernatorial election, a referendum is held at the next succeeding spring election. A district is then created with a jurisdiction that consists of each of the municipalities in which the referendum question is approved, except that no district may be created unless the referendum question is approved in at least two municipalities.

Before a district may be created, the governing bodies of each of the involved municipalities must reach an agreement that includes a number of components, including a method to provide a loan for initial operating funds for the district and a method to transfer title of the municipalities' park facilities to the district. Before such an agreement may be entered into, the participating municipalities must select an arbitrator who will decide by November 1 any of the issues that are not resolved by the municipalities by September 1, except the issue of whether to elect members of the board of directors of the district pursuant to an apportionment plan (see below).

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Also, before a district may be created, a municipality must negotiate with a county the termination of any applicable agreement or contract under which a county exercises municipal park powers within the municipality. If a municipality is unable to negotiate the termination of any such agreements or contracts, the municipality may not become part of a district until the agreements or contracts expire or are otherwise terminated. Under the bill, no new agreements or contracts authorizing a county to exercise municipal park powers within a municipality may be entered into unless the agreements or contracts contain provisions under which the municipality may terminate the agreements or contracts so that the municipality may create or participate in a district.

In connection with park facilities, the powers of a district board include: the authority, consistent with a municipality's comprehensive plan, to acquire, develop, maintain, improve, operate, and manage the park facilities; the authority to operate recreational facilities or programs; the authority to enter into contracts; the authority to employ personnel; the authority to impose an impact fee on developers for park facilities; the authority to issue debt for capital improvements to park facilities; and the authority to levy a property tax to carry out the district's functions. The bill also grants these districts eligibility for various conservation programs that are funded with stewardship moneys. These programs include the local park aids program and the urban green space programs.

A district is governed by a nine-member board of directors that is elected at-large at the spring election. Unless each of the governing bodies of the municipalities of which the district is comprised agree to the contrary, the members of the board of directors of the district are elected from separate geographic areas within the district, the boundaries of which are prescribed by the governing bodies in an apportionment plan. If the bodies cannot agree on a plan, the boundaries are prescribed by an arbitrator. The issue of whether the board of directors shall be elected pursuant to an apportionment plan is not arbitrable. Although all of the electors of the district may participate in the election of all of the members of the board of directors, if an apportionment plan is used, each member of the board of directors must, at the time of taking office, reside within the apportioned area for which he or she is elected or appointed to fill a vacancy. The terms of directors are three years, although the initial terms are staggered such that each one-third of the seats on the board is for terms of approximately one, two, and three years.

The members of a district board may change any decision that was made by an arbitrator. A district board may adopt procedures to expand the jurisdiction of the district to include other municipalities, the governing bodies of which approve their inclusion in the district.

Under the bill, the territory of a municipality may be in only one district. If a city or village whose territory is in one district annexes territory that contains park facilities that are located in a different district, that district is required to transfer ownership of the park facilities that are located in the annexed territory to the district whose territory includes the annexing city or village. The bill requires the districts to negotiate a settlement to compensate the district from which the territory was annexed for the park facilities that were transferred. If the districts are unable

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to negotiate a settlement within 60 days after the annexation, the districts must agree on the selection of an arbitrator who will decide the settlement amount within 30 days after his or her appointment.

The bill also provides two methods for a municipality to withdraw from the district. Under the first method, if the governing body of a municipality adopts a resolution declaring its intention to withdraw from the district and if the district board approves the resolution, the municipality may withdraw from the district. Under the second method, if a municipality adopts a resolution to withdraw from the district and if the district board rejects the municipality's resolution, the district board must call a referendum in the municipality for the electors of the municipality to vote on whether to approve or reject the municipality's resolution. If the referendum is approved, the municipality may withdraw from the district. Under either method, however, the municipality and the district must negotiate a settlement to compensate the district for the park facilities that are located in the municipality. If the district and the municipality are unable to negotiate a settlement within 60 days after the municipality's resolution is either approved by the district board or approved in a referendum, the district and the municipality must agree on the selection of an arbitrator who will decide the settlement amount within 30 days after his or her appointment.

A district may dissolve by action of the district board, subject to payment of the district's debts and fulfillment of its other contractual obligations. In addition, a district must dissolve if, after one or more municipalities withdraw from a district, only one municipality remains a part of a district. If a district is dissolved, its property must be transferred to the municipalities within the district's jurisdiction. The district board determines how, and to which municipality, the property is transferred based on factors including the current value of the park facilities initially transferred by a municipality to a district and the amount of money, sales tax revenue, and other contributions made by, or collected from, a municipality.

Under the bill, a municipality within the district's jurisdiction may make loans or lease or transfer property to a district. Generally, however, a municipality may not create a park or expend any funds to support park or recreational facilities, or impose an impact fee or fees in lieu of land dedications on a developer for park facilities, after a district imposes taxes.

TAXATION

Under the bill, a district may levy a property tax on the property located in the district and use the tax revenue only for purposes related to park facilities. The maximum tax levy rate that the district may impose is determined by the municipalities within the district's jurisdiction. However, under the bill, the maximum tax levy rate must not be less than 0.7 mill nor more than 1.4 mills for each dollar of the district's equalized property valuation, as determined by the department of revenue. In any year, the district board may adopt a resolution to establish a tax levy rate that exceeds the maximum tax levy rate, subject to approval by the electors of the district at a referendum. The district must hold the referendum at the first spring primary, spring election, September primary, general election, or

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special election held throughout the district that is held at least 45 days after the district adopts the resolution to increase the tax levy rate.

Under the bill, a district's income is exempt from the income tax, a district's property is exempt from the property tax, property transferred to a district is exempt from the real estate transfer fee, and sales of tangible personal property or services to the district are exempt from all state and local sales taxes and use taxes.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

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.** 5.02 (21) of the statutes is amended to read:

2 5.02 (21) "Spring election" means the election held on the first Tuesday in April
3 to elect judicial, educational, and municipal officers, nonpartisan county officers,
4 sewerage commissioners, and members of the board of directors of local park and
5 recreation districts and to express preferences for the person to be the presidential
6 candidate for each party.

7 **SECTION 2.** 5.58 (1u) of the statutes is created to read:

8 5.58 (1u) BOARD OF DIRECTORS OF LOCAL PARK AND RECREATION DISTRICTS. Except
9 as authorized in s. 5.655, there shall be a separate ballot for members of the board
10 of directors of any local park and recreation district. Arrangement of the names on
11 the ballot shall be determined by the local park and recreation district clerk in the
12 manner provided under s. 5.60 (1) (b). The ballot shall be entitled "Official Primary
13 Ballot for Member of the Board of Directors of the Local Park and Recreation
14 District."

15 **SECTION 3.** 5.58 (3) of the statutes is amended to read:

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1 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
2 for any judicial office, or for any elected seat on a metropolitan sewerage commission
3 or town sanitary district commission; in counties having a population of 500,000 or
4 more only 2 candidates for member of the board of supervisors within each district;
5 in counties having a population of less than 500,000 only 2 candidates for each
6 member of the county board of supervisors from each district or numbered seat or
7 only 4 candidates for each 2 members of the county board of supervisors from each
8 district whenever 2 supervisors are elected to unnumbered seats from the same
9 district; in 1st class cities only 2 candidates for any at-large seat and only 2
10 candidates from any election district to be elected to the board of school directors;
11 in school districts electing school board members to numbered seats, or pursuant to
12 an apportionment plan or district representation plan, only 2 school board
13 candidates for each numbered seat or within each district; in a local park and
14 recreation district, twice as many candidates as are to be elected members of the
15 board of directors, or, if the district elects board members from apportioned areas,
16 twice as many candidates as are to be elected members of the board of directors from
17 each apportioned area; and twice as many candidates as are to be elected members
18 of other school boards or other elective officers receiving the highest number of votes
19 at the primary shall be nominees for the office at the spring election. Only their
20 names shall appear on the official spring ballot.

21 **SECTION 4.** 5.60 (6u) of the statutes is created to read:

22 **5.60 (6u) BOARD OF DIRECTORS OF CERTAIN LOCAL PARK AND RECREATION DISTRICTS.**

23 Except as authorized in s. 5.655, a separate ballot shall list the names of all
24 candidates for member of the board of directors of any local park and recreation
25 district. Arrangement of the names on the ballot shall be determined by the local

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1 park and recreation district clerk in the manner provided under sub. (1) (b). The
2 ballot shall be entitled "Official Ballot for Member of the Board of Directors of the
3 Local Park and Recreation District."

4 **SECTION 5.** 5.68 (2) of the statutes is amended to read:

5 5.68 (2) Except as otherwise expressly provided, all costs for ballots, supplies,
6 notices, and any other materials necessary in preparing or conducting any election
7 shall be paid for by the county or municipality whose clerk or board of election
8 commissioners is responsible for providing them. If a ballot is prepared for a school,
9 technical college, sewerage or, sanitary, or local park and recreation district, the
10 district shall pay for the cost of the ballot. If no other level of government is involved
11 in a school, technical college, sewerage or, sanitary, or local park and recreation
12 district election, the district shall pay for all costs of the ballots, supplies, notices, and
13 other materials. If ballots, supplies, notices, or other materials are used for elections
14 within more than one unit of local government, the costs shall be proportionately
15 divided between the units of local government involved in the election. In a 1st class
16 city, all costs otherwise attributable to a school district shall be paid by the city.

17 **SECTION 6.** 5.68 (3) of the statutes, as affected by 2001 Wisconsin Act 16, is
18 amended to read:

19 5.68 (3) If voting machines are used or if an electronic voting system is used
20 in which all candidates and referenda appear on the same ballot, the ballots for all
21 national, state, and county offices and for county and state referenda shall be
22 prepared and paid for by the county wherein they are used. If the voting machine
23 or electronic voting system ballot includes a municipal or school, technical college,
24 sewerage or, sanitary, or local park and recreation district ballot, the cost of that

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1 portion of the ballot shall be reimbursed to the county or paid for by the municipality
2 or district, except as provided in a 1st class city school district under sub. (2).

3 **SECTION 7.** 7.51 (3) (b) of the statutes is amended to read:

4 7.51 (3) (b) For ballots which relate only to municipal ~~or~~ school district, or local
5 park and recreation district offices or referenda, the inspectors, in lieu of par. (a),
6 after counting the ballots shall return them to the proper ballot boxes, lock the boxes,
7 paste paper over the slots, sign their names to the paper, and deliver them and the
8 keys therefor to the municipal ~~or~~ school district, or local park and recreation district
9 clerk. The clerk shall retain the ballots until destruction is authorized under s. 7.23.

10 **SECTION 8.** 7.51 (3) (d) of the statutes is amended to read:

11 7.51 (3) (d) All absentee certificate envelopes which have been opened shall be
12 returned by the inspectors to the municipal clerk in a securely sealed carrier
13 envelope which is clearly marked "used absentee certificate envelopes". The
14 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
15 the ballots are used in a municipal ~~or~~ school district, or local park and recreation
16 district election only, the municipal clerk shall transmit the used envelopes to the
17 county clerk.

18 **SECTION 9.** 7.51 (4) (b) of the statutes is amended to read:

19 7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her,
20 immediately after the votes are tabulated or counted at each election, shall report
21 the returns of the election to the municipal clerk ~~or~~ to the school district clerk for
22 school district elections, except in 1st class cities, or to the local park and recreation
23 district clerk for local park and recreation district elections. The clerk shall then
24 make the returns public.

25 **SECTION 10.** 7.51 (5) of the statutes is amended to read:

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1 7.51 (5) RETURNS. The inspectors shall make full and accurate return of the
2 votes cast for each candidate and proposition on tally sheet blanks provided by the
3 municipal clerk for the purpose. Each tally sheet shall record the returns for each
4 office or referendum by ward, unless combined returns are authorized in accordance
5 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group
6 of combined wards. After recording the votes, the inspectors shall seal in a carrier
7 envelope outside the ballot bag or container one inspectors' statement under sub. (4)
8 (a), one tally sheet, and one poll or registration list for delivery to the county clerk,
9 unless the election relates only to municipal or school district offices or referenda or
10 local park and recreation district offices. The inspectors shall also similarly seal one
11 inspectors' statement, one tally sheet, and one poll or registration list for delivery to
12 the municipal clerk. For school district elections, except in 1st class cities, the
13 inspectors shall similarly seal one inspectors' statement, one tally sheet, and one poll
14 or registration list for delivery to the school district clerk. For local park and
15 recreation district elections, the inspectors shall similarly seal one inspectors'
16 statement, one tally sheet, and one poll or registration list for delivery to the local
17 park and recreation district clerk. The inspectors shall immediately deliver all
18 ballots, statements, tally sheets, lists, and envelopes to the municipal clerk. The
19 municipal clerk shall arrange for delivery of all ballots, statements, tally sheets,
20 lists, and envelopes relating to a school district or local park and recreation district
21 election to the school district or local park and recreation district clerk, respectively.
22 The municipal clerk shall deliver the ballots, statements, tally sheets, lists, and
23 envelopes for his or her municipality relating to any county, technical college district,
24 state, or national election to the county clerk by 2 p.m. on the day following each such
25 election. The person delivering the returns shall be paid out of the municipal

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1 treasury. Each clerk receiving ballots, statements, tally sheets, or envelopes shall
2 retain them until destruction is authorized under s. 7.23 (1).

3 **SECTION 11.** 7.53 (3m) of the statutes is created to read:

4 **7.53 (3m) LOCAL PARK AND RECREATION DISTRICT ELECTIONS.** The local park and
5 recreation district clerk shall appoint 2 qualified electors of the district prior to the
6 date of the election being canvassed, who shall, with the clerk, constitute the local
7 park and recreation district board of canvassers. The clerk shall appoint a member
8 to fill any temporary vacancy on the board of canvassers. The canvass shall begin
9 as soon as possible after receipt of the returns and shall continue, without
10 adjournment, until completed. The board of canvassers may return defective returns
11 to the municipal board of canvassers in the manner provided in s. 7.60 (3). The board
12 of canvassers shall prepare a written statement showing the numbers of votes cast
13 for each person for each office and shall prepare a determination showing the names
14 of the persons who are elected to the board of directors. Following each primary
15 election, the board of canvassers shall prepare a statement certifying the names of
16 the persons who have won nomination to the board of directors. Each statement and
17 determination shall be attested by each of the canvassers. The board of canvassers
18 shall file each statement and determination in the local park and recreation district
19 office.

20 **SECTION 12.** 8.10 (6) (e) of the statutes is created to read:

21 **8.10 (6) (e)** For members of the board of directors of a local park and recreation
22 district, with the local park and recreation district clerk.

23 **SECTION 13.** 8.11 (2f) of the statutes is created to read:

24 **8.11 (2f) BOARD OF DIRECTORS OF CERTAIN LOCAL PARK AND RECREATION DISTRICTS.**

25 A primary shall be held in a local park and recreation district whenever there are

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1 more than twice the number of candidates to be elected members of the board of
2 directors of the local park and recreation district, or, if the district elects board
3 members from apportioned areas, more than twice as many candidates as are to be
4 elected members of the board of directors from any apportioned area.

5 **SECTION 14.** 9.10 (1) (a) of the statutes is amended to read:

6 9.10 (1) (a) The qualified electors of the state; of any county, city, village, or
7 town; of any congressional, legislative, judicial, or school district; of any local park
8 and recreation district; or of any prosecutorial unit may petition for the recall of any
9 incumbent elective official by filing a petition with the same official or agency with
10 whom nomination papers or declarations of candidacy for the office are filed
11 demanding the recall of the officeholder.

12 **SECTION 15.** 9.10 (1) (b) of the statutes is amended to read:

13 9.10 (1) (b) Except as provided in par. (c), a petition for recall of a state,
14 congressional, legislative, judicial, or county officer shall be signed by electors equal
15 to at least 25% of the vote cast for the office of governor at the last election within the
16 same district or territory as that of the officeholder being recalled. Except as
17 provided in par. (c), a petition for the recall of a city, village, town, local park and
18 recreation district, or school district officer shall be signed by electors equal to at
19 least 25% of the vote cast for the office of president at the last election within the same
20 district or territory as that of the officeholder being recalled.

21 **SECTION 16.** 9.10 (2) (d) of the statutes is amended to read:

22 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
23 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
24 filing officer with whom the petition is filed. The petitioner shall append to the
25 registration a statement indicating his or her intent to circulate a recall petition, the

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1 name of the officer for whom recall is sought and, in the case of a petition for the recall
2 of a city, village, town, local park and recreation district, or school district officer, a
3 statement of a reason for the recall which is related to the official responsibilities of
4 the official for whom removal is sought. No petitioner may circulate a petition for
5 the recall of an officer prior to completing registration. The last date ~~that~~ on which
6 a petition for the recall of a state, congressional, legislative, judicial, or county officer
7 may be offered for filing is 5 p.m. on the 60th day commencing after registration. The
8 last date ~~that~~ on which a petition for the recall of a city, village, town, local park and
9 recreation district, or school district officer may be offered for filing is 5 p.m. on the
10 30th day commencing after registration. After the recall petition has been offered
11 for filing, no name may be added or removed. No signature may be counted unless
12 the date of the signature is within the period provided in this paragraph.

13 **SECTION 17.** 9.10 (3) (a) of the statutes is amended to read:

14 9.10 (3) (a) This subsection applies to the recall of all elective officials other
15 than city, village, town, local park and recreation district, and school district officials.
16 City, village, town, local park and recreation district, and school district officials are
17 recalled under sub. (4).

18 **SECTION 18.** 9.10 (4) (a) of the statutes is amended to read:

19 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
20 local park and recreation district, or school district official, is offered for filing, the
21 officer against whom the petition is filed may file a written challenge with the
22 ~~municipal clerk or board of election commissioners or school district clerk~~ official or
23 agency with whom it the petition is filed, specifying any alleged insufficiency. If a
24 challenge is filed, the petitioner may file a written rebuttal to the challenge with the
25 ~~clerk or board of election commissioners~~ official or agency within 5 days after the

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1 challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed
2 may file a reply to any new matter raised in the rebuttal within 2 days after the
3 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
4 reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or agency
5 shall file the certificate or an amended certificate. Within 31 days after the petition
6 is offered for filing, the ~~clerk or board of election commissioners~~ official or agency
7 shall determine by careful examination of the face of the petition whether the
8 petition is sufficient and shall so state in a certificate issued by the official or agency
9 and attached to the petition. If the petition is found to be insufficient, the certificate
10 shall state the particulars creating the insufficiency. The petition may be amended
11 to correct any insufficiency within 5 days following the affixing of the original
12 certificate. Within 2 days after the offering of the amended petition for filing, the
13 ~~clerk or board of election commissioners~~ official or agency shall again carefully
14 examine the face of the petition to determine sufficiency and shall attach to the
15 petition a certificate stating the findings. Immediately upon finding an original or
16 amended petition sufficient, except in cities over 500,000 population, ~~the municipal~~
17 ~~clerk or school district clerk~~ and except with regard to a member of the board of
18 directors of a local park and recreation district, the official shall transmit the petition
19 to the governing body or to the school board. ~~Immediately~~ Except with regard to a
20 member of the board of directors of a local park and recreation district, immediately
21 upon finding an original or amended petition sufficient, in cities over 500,000
22 population, the board of election commissioners shall file the petition in its office.
23 Immediately upon finding an original or amended petition sufficient, with regard to
24 a member of the board of directors of a local park and recreation district, the local
25 park and recreation district clerk shall file the petition in his or her office and shall

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1 transmit a copy of the petition to the governing body of each city, village, and town
2 that has territory within the jurisdiction of the local park and recreation district.

3 **SECTION 19.** 9.10 (4) (d) of the statutes is amended to read:

4 9.10 (4) (d) The governing body, school board, or board of election
5 commissioners, upon receiving the certificate or copy of the certificate issued under
6 par. (a), shall call an election on the Tuesday of the 6th week commencing after the
7 date of the certificate. If Tuesday is a legal holiday, the recall election shall be held
8 on the first day after Tuesday which is not a legal holiday.

9 **SECTION 20.** 9.10 (7) of the statutes is amended to read:

10 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
11 article XIII, section 12, of the constitution and to extend the same rights to electors
12 of cities, villages, towns, local park and recreation districts, and school districts.

13 **SECTION 21.** 10.05 of the statutes is amended to read:

14 **10.05 Posting of notice.** Unless specifically designated elsewhere, this
15 section applies to villages, towns and, school districts, and local park and recreation
16 districts. Whenever a notice is required to be published, a village, town or, school
17 district, or local park and recreation district may post 3 notices in lieu of publication
18 under ch. 985 whenever there is not a newspaper published within the village, town
19 or, school district, or local park and recreation district or whenever the governing
20 body of the village, town or, school district, or local park and recreation district
21 chooses to post in order to supplement notice provided in a newspaper. Whenever
22 the manner of giving notice is changed by the governing body, the body shall give
23 notice of the change in the manner used before the change. Whenever posting is
24 used, the notices shall be posted no later than the day prescribed by law for
25 publication, or, if that day falls within the week preceding the election to be noticed,

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1 at least one week before the election. All notices given for the same election shall be
2 given in the same manner.

3 **SECTION 22.** 10.07 (1) of the statutes is amended to read:

4 10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots,
5 whenever any county clerk ~~or~~ and one or more municipal ~~or~~ school district, or local
6 park and recreation district clerks within the same county are directed to publish,
7 or whenever 2 or more municipal, school district or local park and recreation district
8 clerks within the same county are directed to publish any notice or portion of a notice
9 under this chapter on the same date in the same newspaper, the text of which is
10 identical, the clerks may publish one notice only. The cost of publication of such
11 notice or the portion of the notice required shall be apportioned equally between the
12 county and each municipality ~~or~~ school district, or local park and recreation district
13 sharing in its publication.

14 **SECTION 23.** 11.02 (8) of the statutes is created to read:

15 11.02 (8) If the jurisdiction under sub. (3) is a local park and recreation district,
16 the appropriate clerk is the local park and recreation district clerk.

17 **SECTION 24.** 11.31 (1) (h) (intro.) of the statutes is amended to read:

18 11.31 (1) (h) (intro.) Candidates for any local office, who are elected from a
19 jurisdiction or district with less than 500,000 inhabitants according to the latest
20 federal census or census information on which the district is based, as certified by
21 the appropriate filing officer, and candidates for member of the board of directors of
22 a local park and recreation district, an amount equal to the greater of the following:

23 **SECTION 25.** 17.01 (11m) of the statutes is created to read:

24 17.01 (11m) By a member of the board of directors of a local park and recreation
25 district, to the board of directors. The board of directors shall immediately give a copy

SENATE BILL 424**SECTION 25**

1 of each resignation under this subsection to the elections board and to the chief
2 executive officer of each municipality that has territory within the jurisdiction of the
3 district.

4 **SECTION 26.** 17.13 (intro.) of the statutes is amended to read:

5 **17.13 Removal of village, town, town sanitary district, school district,**
6 **technical college and family care district, and local park and recreation**
7 **district officers.** (intro.) Officers of towns, town sanitary districts, villages, school
8 districts, technical college districts ~~and~~, family care districts, and local park and
9 recreation districts may be removed as follows:

10 **SECTION 27.** 17.13 (3) of the statutes is amended to read:

11 17.13 (3) ALL OFFICERS. Any village, town, town sanitary district, school district
12 ~~or~~, technical college district, or local park and recreation district officer, elective or
13 appointive, including those embraced within subs. (1) and (2), by ~~the~~ a judge of the
14 circuit court of ~~the~~ a circuit wherein the village, town, town sanitary district, school
15 district ~~or~~, technical college district, or local park and recreation district is situated,
16 for cause.

17 **SECTION 28.** 17.27 (1f) of the statutes is created to read:

18 17.27 (1f) BOARD OF DIRECTORS OF LOCAL PARK AND RECREATION DISTRICTS. Except
19 as provided in s. 9.10, a vacancy in the office of any member of the board of directors
20 of a local park and recreation district may be filled by temporary appointment of the
21 remaining members of the board of directors. The temporary appointee shall serve
22 until a successor is elected and qualified. If the vacancy occurs in any year after the
23 first Tuesday in April and on or before December 1, the vacancy shall be filled for the
24 residue of the unexpired term, if any, at on the date of the next spring election. If the
25 vacancy occurs in any year after December 1 or on or before the first Tuesday in April,

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1 the vacancy shall be filled for the residue of the unexpired term, if any, at the 2nd
2 succeeding spring election.

3 **SECTION 29.** 23.09 (19) (a) 2. of the statutes is amended to read:

4 23.09 (19) (a) 2. "Governmental unit" means a city, village, town, county, lake
5 sanitary district, as defined in s. 30.50 (4q), public inland lake protection and
6 rehabilitation district, or local park and recreation district under subch. VI of ch. 229,
7 or the Kickapoo reserve management board.

8 **SECTION 30.** 23.09 (20) (ab) 1. of the statutes is amended to read:

9 23.09 (20) (ab) 1. "Governmental unit" means a municipality, a local park and
10 recreation district under subch. VI of ch. 229, or the Kickapoo reserve management
11 board.

12 **SECTION 31.** 23.09 (20m) (a) 1. of the statutes is amended to read:

13 23.09 (20m) (a) 1. "Governmental unit" means a city, village, town, county, or
14 local park and creation district under subch. VI of ch. 229, or the Kickapoo reserve
15 management board.

16 **SECTION 32.** 23.0917 (4m) (a) 3. of the statutes is amended to read:

17 23.0917 (4m) (a) 3. "Local governmental unit" means a city, village, town,
18 county, lake sanitary district, as defined in s. 30.50 (4q), ~~or a~~ public inland lake
19 protection and rehabilitation district, or local park and recreation district under
20 subch. VI of ch. 229.

21 **SECTION 33.** 23.094 (1) of the statutes is amended to read:

22 23.094 (1) DEFINITION. In this section, "political subdivision" means a city,
23 village, town, county, lake sanitary district, as defined in s. 30.50 (4q), ~~or~~ public
24 inland lake protection and rehabilitation district, or local park and recreation
25 district under subch. VI of ch. 229.

SENATE BILL 424**SECTION 34**

1 **SECTION 34.** 25.50 (1) (d) of the statutes is amended to read:

2 25.50 (1) (d) "Local government" means any county, town, village, city, power
3 district, sewerage district, drainage district, town sanitary district, public inland
4 lake protection and rehabilitation district, local professional baseball park district
5 created under subch. III of ch. 229, family care district under s. 46.2895, local
6 professional football stadium district created under subch. IV of ch. 229, local
7 cultural arts district created under subch. V of ch. 229, local park and recreation
8 district created under subch. VI of ch. 229, public library system, school district or
9 technical college district in this state, any commission, committee, board, or officer
10 of any governmental subdivision of this state, any court of this state, other than the
11 court of appeals or the supreme court, or any authority created under s. 231.02,
12 233.02, or 234.02.

13 **SECTION 35.** 27.01 (3) of the statutes is amended to read:

14 27.01 (3) TRANSFER OF STATE PARK LAND TO MUNICIPALITIES. The department may
15 not transfer the ownership of any state park or land within any state park to any
16 ~~county, city, village or, town,~~ county, or local park and recreation district created
17 under subch. VI of ch. 229 unless ~~it~~ the department receives the approval of the joint
18 committee on finance regarding the appropriate level of reimbursement to be
19 received by the state to reflect the state's cost in acquiring and developing the state
20 park or land within the state park.

21 **SECTION 36.** 27.075 (1) of the statutes is amended to read:

22 27.075 (1) The county board of any county with a population of less than
23 500,000 is hereby vested with all powers of a local, legislative, and administrative
24 character for the purpose of governing, managing, controlling, improving, and caring
25 for public parks, parkways, boulevards, and pleasure drives; and to carry out these

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1 powers in districts which it may create for different purposes, or throughout the
2 county, and for such purposes to levy county taxes, to issue bonds, assessment
3 certificates, and improvement bonds, or any other evidence of indebtedness. The
4 powers hereby conferred under this section may be exercised by the county board in
5 any town, ~~city or village~~ city, village, or town, or part thereof located in ~~such~~ the
6 county upon the request of any such ~~town, city or village~~ city, village, or town,
7 evidenced by a resolution adopted by a majority vote of the members-elect of its
8 governing body, designating the particular park function, duty, or act, and the terms,
9 if any, upon which the same shall be exercised by the county board. ~~Such~~ The
10 resolution shall state whether the authority or function is to be exercised exclusively
11 by the county or jointly by the county and the ~~town, city or village~~ city, village, or
12 town, and shall also state that the exercise of ~~such~~ the power by the county is in the
13 public interest. Upon the receipt of the resolution, the county board may, by a
14 resolution adopted by a majority vote of its membership, elect to assume the exercise
15 of ~~such~~ the authority or function, upon the terms and conditions set forth in the
16 resolution presented by the ~~town, city or village~~ city, village, or town. A city, village,
17 or town that wishes to create or participate in a local park and recreation district
18 under subch. VI of ch. 229 may negotiate the termination of any agreement entered
19 into with a county under this subsection.

20 **SECTION 37.** 27.075 (2) of the statutes is amended to read:

21 27.075 (2) The county board of any ~~such~~ county may, by a resolution adopted
22 by a majority of its membership, propose to the ~~towns, cities and villages~~ cities,
23 villages, and towns located in ~~such~~ the county, or any of them, that it offers to exercise
24 ~~such~~ the powers and functions therein ~~in order~~ that are necessary to consolidate
25 municipal park services and functions in ~~said~~ the county. ~~Such~~ The resolution shall

SENATE BILL 424**SECTION 37**

1 designate the particular function, duty, or act and the terms and conditions, if any,
2 upon which the county board will perform the same. The powers conferred in sub.
3 (1) and designated in ~~such~~ the resolution may thereafter be exercised by the county
4 board in each ~~such town, city or village which shall accept such~~ city, village, or town
5 which accepts the proposal by the adoption of a resolution by a majority vote of the
6 members-elect of its governing body, except that no governing body may accept any
7 proposal described under this subsection unless it contains a provision under which
8 the city, village, or town may terminate its agreement with the county so that the city,
9 village, or town may create or participate in a local park and recreation district under
10 subch. VI of ch. 229.

11 **SECTION 38.** 27.075 (3) of the statutes is amended to read:

12 27.075 (3) After the adoption of resolutions by the county board, ~~the county~~
13 ~~board shall have full power to~~ it may legislate upon and administer the entire subject
14 matter committed to it, ~~and among other things, to~~ and may determine, where not
15 otherwise provided by law, the manner of exercising the power thus assumed. No
16 county may exercise any power in a local park and recreation district under subch.
17 VI of ch. 229.

18 **SECTION 39.** 27.075 (4) of the statutes is amended to read:

19 27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter
20 into necessary contracts with the county, and appropriate money to pay the county,
21 for the reasonable expenses incurred in rendering the park services assumed. ~~Such~~
22 The contract shall also provide a procedure for the termination of the contract by any
23 city, village, or town that wishes to create or participate in a local park and recreation
24 district under subch. VI of ch. 229. The expenses may be certified, returned, and paid
25 as are other county charges, and, in the case of services performed pursuant to under

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1 a proposal for the consolidation ~~thereof of municipal park services~~ initiated by the
2 county board and made available to each ~~town, city and village~~ city, village, and town
3 in the county on the same terms, the expenses ~~thereof~~ shall be certified, returned,
4 and paid as county charges; but ~~in the event that each and every town, city and~~
5 village if every city, village, and town in the county shall ~~accept such~~ accepts the
6 proposal of the county board the expenses ~~thereof~~ shall be paid by county taxes to be
7 levied and collected as are other taxes for county purposes. ~~Said towns, cities and~~
8 ~~villages are vested with all necessary power to do the things herein required and to~~
9 ~~do all things and to exercise or relinquish any of the powers herein provided or~~
10 ~~contemplated.~~ The procedure ~~herein provided~~ in this section for the request or
11 acceptance of the exercise of the powers conferred on the county board in cities and
12 villages is ~~hereby prescribed~~ as a special method of determining the local affairs and
13 government of such cities and villages pursuant to article XI, section 3, of the
14 constitution.

15 **SECTION 40.** 27.08 (1) of the statutes is amended to read:

16 27.08 (1) Every city that is not part of a local park and recreation district under
17 subch. VI of ch. 229 may by ordinance create a board of park commissioners subject
18 to this section, or otherwise as provided by ordinance. ~~Such, and if the city has a~~
19 board of park commissioners the city shall terminate that board and end the board's
20 authority under this section upon the city's creation of or participation in a local park
21 and recreation district under subch. VI of ch. 229. The board shall be organized as
22 directed by the common council shall provide.

23 **SECTION 41.** 27.08 (3) of the statutes is amended to read:

24 27.08 (3) ~~In any city having no~~ If a city does not have a board of park
25 commissioners ~~its~~ and is not part of a local park and recreation district under subch.

SENATE BILL 424**SECTION 41**

1 VI of ch. 229, the city's public parks, parkways, boulevards, and pleasure drives shall
2 be under the charge of its board of public works, if it has such last named board;
3 otherwise or, if it does not have such a board, under the charge of its common council.
4 When so in charge, the board of public works or the common council may exercise all
5 of the powers of a board of park commissioners. Upon a city's creation of or
6 participation in a local park and recreation district under subch. VI of ch. 229, the
7 city's board of public works or common council may not exercise any authority under
8 this section.

9 **SECTION 42.** 30.277 (1b) (a) of the statutes is amended to read:

10 30.277 **(1b)** (a) "Governmental unit" means a city, village, town, county, or local
11 park and recreation district under subch. VI of ch. 229, or the Kickapoo reserve
12 management board.

13 **SECTION 43.** 66.0301 (1) (a) of the statutes, as affected by 2001 Wisconsin Act
14 16, is amended to read:

15 66.0301 **(1)** (a) In this section "municipality" means the state or any
16 department or agency thereof, or any city, village, town, county, school district, public
17 library system, public inland lake protection and rehabilitation district, sanitary
18 district, farm drainage district, metropolitan sewerage district, sewer utility district,
19 solid waste management system created under s. 59.70 (2), local exposition district
20 created under subch. II of ch. 229, local professional baseball park district created
21 under subch. III of ch. 229, local professional football stadium district created under
22 subch. IV of ch. 229, ~~a~~ local cultural arts district created under subch. V of ch. 229,
23 local park and recreation district created under subch. VI of ch. 229, family care
24 district under s. 46.2895, water utility district, mosquito control district, municipal
25 electric company, county or city transit commission, commission created by contract

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1 under this section, taxation district, regional planning commission, or city-county
2 health department.

3 **SECTION 44.** 66.0617 (1) (a) of the statutes is amended to read:

4 66.0617 (1) (a) "Capital costs" means the capital costs to construct, expand, or
5 improve public facilities, including the cost of land, and including legal, engineering,
6 and design costs to construct, expand, or improve public facilities, except that not
7 more than 10% of capital costs may consist of legal, engineering, and design costs
8 unless the political subdivision or local park and recreation district can demonstrate
9 that its legal, engineering, and design costs which relate directly to the public
10 improvement for which the impact fees were imposed exceed 10% of capital costs.
11 "Capital costs" does not include other noncapital costs to construct, expand, or
12 improve public facilities or the costs of equipment to construct, expand, or improve
13 public facilities.

14 **SECTION 45.** 66.0617 (1) (c) of the statutes is amended to read:

15 66.0617 (1) (c) "Impact fees" means cash contributions, contributions of land
16 or interests in land, or any other items of value that are imposed on a developer by
17 a political subdivision or a local park and recreation district under this section.

18 **SECTION 46.** 66.0617 (1) (d) of the statutes is amended to read:

19 66.0617 (1) (d) "Land development" means the construction or modification of
20 improvements to real property that creates additional residential dwelling units
21 within a political subdivision or local park and recreation district or that results in
22 nonresidential uses that create a need for new, expanded, or improved public
23 facilities within a political subdivision or local park and recreation district.

24 **SECTION 47.** 66.0617 (1) (dg) of the statutes is created to read:

SENATE BILL 424**SECTION 47**

1 66.0617 (1) (dg) “Local park and recreation district” has the meaning given for
2 district in s. 229.86 (3).

3 **SECTION 48.** 66.0617 (1) (g) of the statutes is amended to read:

4 66.0617 (1) (g) “Service area” means a geographic area delineated by a political
5 subdivision or local park and recreation district within which there are public
6 facilities.

7 **SECTION 49.** 66.0617 (1) (h) of the statutes is amended to read:

8 66.0617 (1) (h) “Service standard” means a certain quantity or quality of public
9 facilities relative to a certain number of persons, parcels of land, or other appropriate
10 measure, as specified by the political subdivision or local park and recreation
11 district.

12 **SECTION 50.** 66.0617 (2) (a) of the statutes is amended to read:

13 66.0617 (2) (a) Subject to par. (am), a political subdivision may enact an
14 ordinance under this section, and a local park and recreation district may adopt a
15 resolution under this section, that imposes impact fees on developers to pay for the
16 capital costs that are necessary to accommodate land development.

17 **SECTION 51.** 66.0617 (2) (am) of the statutes is renumbered 66.0617 (2) (am)
18 1.

19 **SECTION 52.** 66.0617 (2) (am) 2. of the statutes is created to read:

20 66.0617 (2) (am) 2. No local park and recreation district may impose an impact
21 fee under this section for any purpose other than park facilities, as defined in s.
22 229.86 (7).

23 **SECTION 53.** 66.0617 (3) of the statutes is amended to read:

24 66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting a political subdivision
25 enacts an ordinance or a local park and recreation district adopts a resolution that

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1 imposes impact fees, or amending amends an existing ordinance or resolution that
2 imposes impact fees, a political subdivision or a local park and recreation district
3 shall hold a public hearing on the proposed ordinance or amendment. Notice of the
4 public hearing shall be published as a class 1 notice under ch. 985, and shall specify
5 where a copy of the proposed ordinance or amendment and the public facilities needs
6 assessment may be obtained.

7 **SECTION 54.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

8 66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution
9 that imposes impact fees or amending an ordinance or resolution that imposes
10 impact fees by revising the amount of the fee or altering the public facilities for which
11 impact fees may be imposed, a political subdivision or a local park and recreation
12 district shall prepare a needs assessment for the public facilities for which it is
13 anticipated that impact fees may be imposed. The public facilities needs assessment
14 shall include, but not be limited to, the following:

15 **SECTION 55.** 66.0617 (4) (b) of the statutes is amended to read:

16 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
17 needs assessment that is prepared under this subsection shall be available for public
18 inspection and copying in the office of the clerk of the political subdivision or in the
19 office of the secretary of the board of the local park and recreation district at least 20
20 days before the hearing under sub. (3).

21 **SECTION 56.** 66.0617 (5) of the statutes is amended to read:

22 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or
23 resolution adopted under this section may impose different impact fees on different
24 types of land development.

SENATE BILL 424**SECTION 56**

1 (b) An ordinance enacted or resolution adopted under this section may
2 delineate geographically defined zones within the political subdivision or local park
3 and recreation district and may impose impact fees on land development in a zone
4 that differ from impact fees imposed on land development in other zones within the
5 political subdivision or local park and recreation district. The public facilities needs
6 assessment that is required under sub. (4) shall explicitly identify the differences,
7 such as land development or the need for those public facilities, which justify the
8 differences between zones in the amount of impact fees imposed.

9 **SECTION 57.** 66.0617 (6) (intro.) of the statutes is amended to read:

10 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an
11 ordinance enacted or resolution adopted under this section:

12 **SECTION 58.** 66.0617 (6) (b) of the statutes is amended to read:

13 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that
14 are required to serve land development, as compared to existing uses of land within
15 the political subdivision or local park and recreation district.

16 **SECTION 59.** 66.0617 (6) (h) of the statutes is created to read:

17 66.0617 (6) (h) Shall be payable, no sooner than 90 days after final plat
18 approval, by the developer to the local park and recreation district either in full or
19 in installment payments that are approved by the park and recreation district.

20 **SECTION 60.** 66.0617 (7) of the statutes is amended to read:

21 66.0617 (7) LOW-COST HOUSING. An ordinance enacted or resolution adopted
22 under this section may provide for an exemption from, or a reduction in the amount
23 of, impact fees on land development that provides low-cost housing, except that no
24 amount of an impact fee for which an exemption or reduction is provided under this
25 subsection may be shifted to any other development in the land development in

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1 which the low-cost housing is located or to any other land development in the
2 political subdivision or local park and recreation district.

3 **SECTION 61.** 66.0617 (8) of the statutes is amended to read:

4 66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact
5 fees shall be placed in a segregated, interest-bearing account and shall be accounted
6 for separately from the other funds of the political subdivision or local park and
7 recreation district. Impact fee revenues and interest earned on impact fee revenues
8 may be expended only for capital costs for which the impact fees were imposed.

9 **SECTION 62.** 66.0617 (9) of the statutes is amended to read:

10 66.0617 (9) REFUND OF IMPACT FEES. An ordinance enacted or resolution adopted
11 under this section shall specify that impact fees that are imposed and collected by
12 a political subdivision or local park and recreation district but are not used within
13 a reasonable period of time after they are collected to pay the capital costs for which
14 they were imposed shall be refunded to the current owner of the property with
15 respect to which the impact fees were imposed. The ordinance or resolution shall
16 specify, by type of public facility, reasonable time periods within which impact fees
17 must be spent or refunded under this subsection. In determining the length of the
18 time periods under the ordinance, a political subdivision or local park and recreation
19 district shall consider what are appropriate planning and financing periods for the
20 particular types of public facilities for which the impact fees are imposed.

21 **SECTION 63.** 66.0617 (10) of the statutes is amended to read:

22 66.0617 (10) APPEAL. A political subdivision that enacts an impact fee
23 ordinance under this section shall, by ordinance, and a local park and recreation
24 district that adopts an impact fee resolution under this section shall, by resolution,
25 specify a procedure under which a developer upon whom an impact fee is imposed

SENATE BILL 424**SECTION 63**

1 has the right to contest the amount, collection, or use of the impact fee to the
2 governing body of the political subdivision or local park and recreation district.

3 **SECTION 64.** 66.0617 (11) of the statutes is created to read:

4 66.0617 (11) TRANSFER OF UNUSED IMPACT FEES. If a city, village, or town
5 transfers title to its municipal park facilities to a local park and recreation district,
6 as described in s. 229.861 (5) (a) 4., and if the city, village, or town has unspent impact
7 fees that were to be used for municipal park facilities, as defined in s. 229.86 (5), the
8 city, village, or town shall transfer such impact fees to the local park and recreation
9 district.

10 **SECTION 65.** 67.01 (5) of the statutes is amended to read:

11 67.01 (5) "Municipality" means any of the following which is authorized to levy
12 a tax: a county, city, village, town, school district, board of park commissioners,
13 technical college district, metropolitan sewerage district created under ss. 200.01 to
14 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, local park
15 and recreation district under subch. VI of ch. 229, public inland lake protection and
16 rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other
17 public body empowered to borrow money and issue obligations to repay the money
18 out of public funds or revenues. "Municipality" does not include the state.

19 **SECTION 66.** 70.11 (37m) of the statutes is created to read:

20 70.11 (37m) LOCAL PARK AND RECREATION DISTRICT. The property of a local park
21 and recreation district under subch. VI of ch. 229.

22 **SECTION 67.** 71.26 (1) (bm) of the statutes, as affected by 2001 Wisconsin Act
23 (Assembly Bill 512), is amended to read:

24 71.26 (1) (bm) *Certain local districts.* Income of a local exposition district
25 created under subch. II of ch. 229, a local professional baseball park district created

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1 under subch. III of ch. 229, a local professional football stadium district created
2 under subch. IV of ch. 229, ~~or~~ a local cultural arts district created under subch. V of
3 ch. 229, or a local park and recreation district created under subch. VI of ch. 229.

4 **SECTION 68.** 77.25 (18m) of the statutes is created to read:

5 77.25 (18m) To a local park and recreation district under subch. VI of ch. 229.

6 **SECTION 69.** 77.54 (9a) (i) of the statutes is created to read:

7 77.54 (9a) (i) A local park and recreation district under subch. VI of ch. 229.

8 **SECTION 70.** 79.03 (3) (b) 4. a. of the statutes is amended to read:

9 79.03 (3) (b) 4. a. "Local general purpose taxes" means the portion of tax
10 increments collected for payment to a municipality under s. 66.1105 which is
11 attributable to that municipality's own levy, the portion of environmental
12 remediation tax increments collected for payment to a municipality or county under
13 s. 66.1106 that is attributable to that municipality's or county's own levy, general
14 property taxes, excluding taxes for a county children with disabilities education
15 board, collected to finance the general purpose government unit, property taxes
16 collected for sewage and sanitary districts, property taxes collected for local park and
17 recreation districts, mobile home fees, the proceeds of county sales and use taxes and
18 municipal and county vehicle registration fees under s. 341.35 (1).

19 **SECTION 71.** Subchapter VI of chapter 229 [precedes 229.86] of the statutes is
20 created to read:

21 **CHAPTER 229**

22 **SUBCHAPTER VI**

23 **LOCAL PARK AND**

24 **RECREATION DISTRICTS**

25 **229.86 Definitions.** In this subchapter:

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1 (1) “Board of directors” means the board of directors of a district.

2 (2) “Chief executive officer” means, as to a sponsoring municipality or as to a
3 municipality that is wholly within the jurisdiction of a district, the mayor or city
4 manager of a city, the village president of a village, or the town board chairperson of
5 a town.

6 (3) “District” means a special purpose district created under this subchapter.

7 (4) “Enabling resolution” means a resolution, or an amendment of a resolution,
8 adopted by the governing body of a municipality and signed by the chief executive
9 officer to create a district.

10 (5) “Municipal park facilities” means a public park or recreational facility,
11 including improvements, that is owned by a municipality.

12 (6) “Municipality” means any city other than a city that has a majority of its
13 territory located in a county with a population greater than 500,000; any village
14 other than a village that has a majority of its territory located in a county with a
15 population greater than 500,000; or any town.

16 (7) “Park facilities” means a public park or recreational facility, including
17 improvements, that is owned by a district.

18 (8) “Sponsoring municipality” means any municipality that creates a district
19 in combination with another municipality.

20 **229.861 Creation, organization, and administration.** (1) Subject to sub.
21 (5), 2 or more municipalities may create a special purpose district that is a unit of
22 government, that is a body corporate and politic, that is separate and distinct from,
23 and independent of, the state and the sponsoring municipalities, and that has the
24 powers under s. 229.863, if the sponsoring municipalities do all of the following:

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1 (a) Adopt an enabling resolution, subject to sub. (2), that does all of the
2 following:

- 3 1. Declares the need for establishing the district.
- 4 2. Contains findings of public purpose.
- 5 3. Contains a detailed description of the boundaries of the proposed district.
- 6 4. Declares an intention to negotiate with a county the termination of any
7 agreement entered into under s. 27.075 (1), (2), or (4).

8 (b) File copies of the enabling resolution with the clerk of each municipality and
9 county that is wholly or partly within the boundaries of the proposed district.

10 **(2)** Subject to sub. (5), a district shall consist of at least 2 municipalities. Each
11 sponsoring municipality shall be identified in a substantially similar enabling
12 resolution that is adopted by the governing body of each sponsoring municipality
13 within a 90-day period beginning with the date of adoption of the first enabling
14 resolution.

15 **(3)** A district consisting of 2 or more municipalities may also be created, subject
16 to subs. (4) and (5), by a petition and referendum if all of the following occur:

17 (a) A petition that conforms to the requirements of s. 8.40, which contains a
18 detailed description and scale map of the proposed district, on the question of the
19 creation of a district is circulated on or after December 1 and filed not later than 5
20 p.m. on the first Tuesday in January in each municipality that is within the
21 boundaries of the proposed district.

22 (b) The petition is signed by a number of qualified electors residing in the
23 municipality equal to at least 15% of the votes cast for governor in the municipality
24 at the last gubernatorial election.

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1 (c) The signed petition is filed with the clerk of each municipality in which the
2 petition is circulated.

3 (4) If all of the steps in sub. (3) occur, each municipality in which petitions
4 containing the requisite number of signatures are submitted to the clerk shall hold
5 a referendum at the next succeeding spring election. Subject to sub. (5), if the
6 question submitted at the referendum is approved by a majority of the electors who
7 vote in the referendum at the spring election in at least 2 municipalities, a special
8 purpose district that is a unit of government, that is a body corporate and politic, that
9 is separate and distinct from, and independent of, the state and each municipality,
10 and that has the powers under s. 229.863 is created, the boundaries of which include
11 each municipality in which the question is approved. The referendum question shall
12 be substantially as follows: "Shall a local park and recreation district, the territory
13 of which includes in whole the [name of municipality], be created?" If a
14 referendum question is not approved in at least 2 municipalities, no district may be
15 created.

16 (5) (a) Before a district may be created, the governing bodies of each
17 municipality that has adopted a resolution under sub. (1) or in which a referendum
18 question has been approved under sub. (4) shall adopt a resolution or enact an
19 ordinance, not later than September 1 of the year in which the resolution under sub.
20 (1) or the referendum question is approved, that, subject to pars. (b) and (c), contains
21 an agreement among each of the governing bodies which addresses at least all of the
22 following provisions:

23 1. A mechanism that provides, from each of the municipalities, a loan of
24 start-up funds for the initial operating costs of the district. The loaned start-up

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1 funds shall be sufficient to sustain the district until it receives the first amount of
2 proceeds from a tax that is imposed under s. 229.863 (8).

3 2. A method of appointing temporary members to the board of directors under
4 sub. (6) (am) to serve until the initial members are elected at the spring election and
5 qualified to take office.

6 3. An apportionment plan for the election of the board of directors of the district
7 board under sub. (6) (b), unless the governing bodies of all of the municipalities of
8 which the district is initially comprised provide for the election of members of the
9 board of directors without an apportionment plan.

10 4. A method to transfer title of the municipal park facilities within their
11 individual jurisdictions to the district.

12 5. The maximum property tax levy rate that the district may impose under s.
13 229.863 (8) (a). The maximum property tax levy rate may be no less than 0.7 mills
14 nor more than 1.4 mills for each dollar of the district's equalized valuation, as
15 determined under s. 70.57.

16 (b) 1. Before the municipalities may consider a resolution or ordinance that is
17 described in par. (a), all of the municipalities shall enter into an agreement on the
18 selection of an arbitrator who will decide any of the issues under par. (a) that are not
19 resolved by the municipalities by September 1 of the year described under par. (a),
20 except as provided in subd. 2. If the municipalities are unable to reach agreement
21 on any of the items listed in par. (a), the arbitrator shall enter a binding decision,
22 which resolves all such outstanding items, not later than November 1 of the year
23 described under par. (a).

24 2. If the municipalities are unable to reach an agreement concerning whether
25 the members of the board of directors shall be elected with or without an

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1 apportionment plan under sub. (6) (b), the board of directors shall be elected
2 pursuant to an apportionment plan.

3 (c) Before the municipalities may consider a resolution or ordinance that is
4 described under par. (a), each municipality that is subject to an agreement or
5 contract with a county under s. 27.075 (1), (2), or (4) shall negotiate with the county
6 the termination of any such agreements or contracts. If a municipality is unable to
7 negotiate the termination of any agreements or contracts under s. 27.075, the
8 municipality may not become part of a district until the agreements or contracts
9 expire or are otherwise terminated.

10 (6) (a) 1. The district is governed by its board of directors. The board of directors
11 may adopt bylaws to govern the district's activities, subject to this subchapter.
12 Except as provided in s. 229.862, the board of directors shall consist of 9 members
13 who are elected at-large.

14 2. The board of directors shall be elected at the spring election pursuant to an
15 apportionment plan under par. (b) unless the governing bodies of each of the
16 municipalities of which the district is comprised by resolution determine, no later
17 than November 1 preceding any spring election, that the members of the board of
18 directors shall be elected at that election and thereafter without an apportionment
19 plan. If the governing bodies of each municipality of which the district is comprised
20 determine to elect members of the board of directors without an apportionment plan,
21 the governing bodies may, no later than November 1 preceding a spring election, by
22 resolution determine to elect members of the board of directors at that election and
23 thereafter pursuant to an apportionment plan, if an identical plan is adopted by each
24 of those governing bodies by that date.

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1 3. The first election of members of the board of directors shall occur in April of
2 the year following the year described in sub. (5) (a). Temporary members shall be
3 appointed according to the agreement reached under sub. (5) (a) 2. or imposed by an
4 arbitrator under sub. (5) (b) to serve until the initial members are elected at the
5 spring election and qualified to take office.

6 (b) 1. Each apportionment plan shall divide the entire district into apportioned
7 geographic areas for the election of members of the board of directors. The
8 boundaries of the apportioned areas shall remain unchanged unless the governing
9 bodies of each of the municipalities of which the district is comprised agree, by
10 resolution adopted no later than November 1 preceding a spring election, to prescribe
11 revised boundaries for the election of members of the board of directors at that
12 election and thereafter, and except that, if a municipality becomes a part of the
13 district after its creation, the governing bodies of the municipalities of which the
14 district is comprised shall, by resolution, prescribe identical revised boundaries of
15 the apportioned areas no later than September 1 preceding the first spring election
16 at which members of the board of directors are to be elected from the new district.
17 If the governing bodies are unable to reach an agreement concerning an identical
18 apportionment plan by September 1 preceding that spring election, an arbitrator
19 appointed pursuant to sub. (5) (b) 1. shall resolve the dispute no later than November
20 1 preceding that election.

21 2. If the members of the board of directors are elected pursuant to an
22 apportionment plan, each candidate for member of the board of directors shall state
23 on the face of his or her declaration of candidacy and nomination papers the
24 apportioned area for which the candidate seeks office.

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1 (c) Each member of the board of directors shall be a resident of the district and,
2 if an apportionment plan for the election of members of the board of directors is used,
3 shall be a resident of the apportioned area for which he or she is elected at the time
4 that the member takes the oath of office. If a member of the board of directors who
5 is elected from an apportioned area ceases to be a resident of that area after the
6 beginning of his or her term of office but continues to be a resident of the district, the
7 member may continue to serve for the remainder of the term for which he or she was
8 elected or appointed.

9 (d) The terms of the members of the board of directors shall be 3 years,
10 beginning on the next succeeding first Monday in June, except that the terms of
11 one-third of the initial persons elected or appointed to office shall expire on the first
12 Monday in June that is one year following the next succeeding June; the terms of
13 one-third of the initial persons elected or appointed to office shall expire on the first
14 Monday in June that is 2 years following the next succeeding June; and the terms
15 of one-third of the persons elected or appointed to office shall expire on the first
16 Monday in June that is 3 years following the next succeeding June. Members of the
17 board of directors may be removed from office before the expiration of their terms,
18 for cause, as provided under s. 17.13 (3) and may be recalled as provided under s.
19 9.10. Vacancies in the office of member of the board of directors shall be filled as
20 provided under s. 17.27 (1f).

21 (e) The board of directors shall elect from its membership a chairperson, a vice
22 chairperson, a secretary, and a treasurer. A majority of the current membership of
23 the board of directors constitutes a quorum to do business. The district may take
24 action based on the affirmative vote of a majority of those directors who are present
25 at a meeting of the board of directors.

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1 (f) 1. The board of directors shall appoint a person to serve as clerk of the
2 district. The clerk shall administer the affairs of the district, under the direction of
3 the board of directors. Within 7 days after the appointment of any person to fill a
4 vacancy on the board of directors, the clerk shall notify the person of his or her
5 appointment.

6 2. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify
7 to the county clerk of each county lying wholly or partially within the district the
8 names of candidates who have filed valid nomination papers for member of the board
9 of directors and who are eligible to have their names appear on the ballot under s.
10 8.30. If any municipality lying wholly or partially within the district prepares its
11 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of
12 candidates to the municipal clerk. In making these certifications, the clerk shall
13 designate the form of each candidate's name to appear on the ballot in the manner
14 prescribed under s. 7.08 (2) (a). If a primary is held for any seat on a board of
15 directors, the clerk shall certify to the county clerk of each county lying wholly or
16 partially within the district the names of candidates who have won nomination to the
17 board of directors and who are eligible to have their names appear on the ballot under
18 s. 8.30. If any municipality lying wholly or partially within the district prepares its
19 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of
20 candidates to the municipal clerk. The clerk shall notify the municipal clerk of each
21 municipality lying wholly or partially within the district of any district election and
22 furnish each municipal clerk with a copy of the notice of the district election. If paper
23 ballots are utilized at a district election, the clerk shall provide each municipal clerk
24 with an adequate supply of ballots for the election at least 22 days before the election.

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1 The clerk shall issue certificates of election to persons who are elected to the board
2 of directors after each election in the manner provided under s. 7.53 (4).

3 (g) The members of the board of directors shall be reimbursed for their actual
4 and necessary expenses incurred in the performance of their duties.

5 (h) Upon the election under par. (a) and qualification of a majority of the
6 members of a board of directors, the board of directors may exercise the powers and
7 duties of a board of directors under this subchapter.

8 (i) At its first meeting, the board of directors shall name the district.

9 **(7)** (a) The territory of a municipality may be in only one district. If a city or
10 village whose territory is in one district annexes territory that contains park
11 facilities that are located in a different district, that district shall transfer ownership
12 of the park facilities that are located in the annexed territory to the district whose
13 territory includes the annexing city or village. The park district which receives the
14 annexed territory shall negotiate a settlement agreement with the park district from
15 which the territory was annexed to compensate that park district for the park
16 facilities that are transferred, based on at least all of the following factors:

17 1. The current value of park facilities that are transferred.

18 2. The amount of money or any other contribution made by the park district for
19 the park facilities that are transferred.

20 (b) If the park districts are unable to negotiate a settlement under par. (a)
21 within 60 days after the effective date of the annexation that results in the transfer
22 of territory, the districts shall agree on the selection of an arbitrator who shall decide
23 the settlement amount, and send written notification of his or her decision to all
24 parties, within 30 days after his or her appointment.

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1 (c) A transfer of ownership under this subsection takes effect on the date on
2 which a settlement is reached or the date on which an arbitrator sends written
3 notification of his or her decision.

4 (8) (a) A municipality which is part of a district may withdraw from the district
5 as provided in this subsection if the governing body of the municipality adopts a
6 resolution declaring its intention to withdraw from the district and if the board of
7 directors adopts a resolution approving the municipality's resolution. If a
8 municipality withdraws from a district under this subsection, title to the park
9 facilities that are located in the municipality shall be transferred from the district
10 to the municipality.

11 (b) If a municipality adopts a resolution declaring its intention to withdraw
12 from the district and if the board of directors rejects the municipality's resolution, the
13 board of directors shall call a referendum in the municipality for the purpose of
14 submitting the municipality's resolution to the electors of the municipality for
15 approval or rejection on the question of whether the municipality should withdraw
16 from the district. The referendum shall be held at the next regular election to be held
17 not earlier than 42 days after the municipality's resolution is rejected by the board
18 of directors.

19 (c) If a municipality adopts a resolution declaring its intention to withdraw
20 from the district and if the board of directors approves the resolution or, if the board
21 rejects the resolution but the resolution is approved in the referendum described
22 under par. (b), the district shall dissolve as provided in s. 229.865 if only one
23 municipality remains a part of the district after a municipality withdraws under this
24 subsection. If more than one municipality remains a part of the district after a
25 municipality withdraws, the municipality that withdraws and the board of directors

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1 shall negotiate a settlement agreement to compensate that park district for the park
2 facilities that are located in the municipality, based on at least all of the following
3 factors:

- 4 1. The current value of park facilities that are transferred.
- 5 2. The amount of money or any other contribution made by the park district for
6 the park facilities that are transferred.
- 7 3. The amount of money or any other contribution made by the municipality
8 for the park facilities that are transferred.

9 (d) If the municipality and the park district are unable to negotiate a settlement
10 under par. (c) within 60 days after the board of directors approves the resolution
11 under par. (a) or within 60 days after the resolution is approved in the referendum
12 described under par. (b), the municipality and the district shall agree on the selection
13 of an arbitrator who shall decide the settlement amount, and send written
14 notification of his or her decision to all parties, within 30 days after his or her
15 appointment.

16 (e) A withdrawal under this subsection takes effect on the date on which a
17 settlement is reached or the date on which an arbitrator sends written notification
18 of his or her decision.

19 **229.862 Jurisdiction and expansion.** The initial jurisdiction of a district
20 shall consist of the territory of all of the sponsoring municipalities that have acted
21 under s. 229.861 (1) and (2) and all of the participating municipalities that have acted
22 under s. 229.861 (3) in same year, or within 90 days after the adoption of the first
23 enabling legislation that is described in s. 229.861 (1). The jurisdiction of the district
24 may be expanded to include any other municipality under procedures adopted by the
25 board of directors and consistent with an agreement entered into between the board

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1 of directors and the municipality. Under the terms of the agreement, the assets of
2 the municipality to be included in the expanded jurisdiction shall be treated in a
3 substantially similar manner as the assets of all other municipalities in the district.
4 A district's jurisdiction may not be expanded unless the governing body of the
5 municipality to be included in the expanded jurisdiction of the district approves the
6 inclusion of the municipality in the district. Eligible electors of a municipality
7 included in the expanded jurisdiction of a district may vote for members of the board
8 of directors at the first election occurring after the effective date of the expansion at
9 which members of the board of directors are elected.

10 **229.863 Powers of district.** A district has all of the powers necessary or
11 convenient to carry out the purposes and provisions of this subchapter. In addition
12 to all other powers granted by this subchapter, a district may do all of the following:

13 (1) Adopt and alter an official seal.

14 (2) Sue and be sued in its own name, and plead and be impleaded.

15 (3) Maintain an office.

16 (4) In connection with park facilities, consistent with a municipality's
17 comprehensive plan under s. 66.1001 (1) (a):

18 (a) Acquire, develop, equip, maintain, improve, operate, and manage the park
19 facilities.

20 (b) Enter into contracts, subject to such standards as may be established by the
21 board of directors.

22 (c) Grant concessions.

23 (d) Operate recreational facilities or programs.

24 (5) Employ personnel, and fix and regulate their compensation; and provide,
25 either directly or subject to an agreement under s. 66.0301 as a participant in a

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1 benefit plan of another municipality, any employee benefits, including an employee
2 pension plan.

3 (6) Purchase insurance, establish and administer a plan of self-insurance, or,
4 subject to an agreement with another political subdivision under s. 66.0301,
5 participate in a governmental plan of insurance or self-insurance.

6 (7) Set standards governing the use of, and the conduct within, its park
7 facilities and recreational facilities in order to promote public safety and convenience
8 and to maintain order.

9 (8) (a) To carry out its functions, levy a tax on the taxable property in the
10 district, as equalized by the department of revenue under s. 70.57. Except as
11 provided in par. (b), the board of directors shall establish the tax levy rate, subject
12 to the limitation under s. 229.861 (5) (a) 5. The tax levy shall be applied to the
13 respective real property and personal property tax rolls of the city, village, and town
14 included in the district and shall not be included within any limitation on county or
15 municipality taxes. Collected taxes levied under this paragraph shall be paid to the
16 district treasurer.

17 (b) In any year, the board of directors may adopt a resolution to establish a tax
18 levy rate that exceeds the tax levy rate limitation under s. 229.861 (5) (a) 5., except
19 that such a tax levy rate may not take effect until the resolution is approved by a
20 majority of the electors in the district's jurisdiction voting on the resolution at a
21 referendum, to be held at the first spring primary, spring election, September
22 primary, general election, or special election held throughout the district that is held
23 at least 45 days after the date of adoption of the resolution. The question shall be
24 submitted as follows: "The tax levy rate for the tax imposed in ... [name of the
25 district] for purposes related to park facilities for the year ... [year] is \$... per \$1,000

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1 of equalized value. The maximum tax levy rate that [name of the district] may
2 impose in any year is \$ per \$1,000 of equalized value. Shall the [name of the
3 district] be allowed to exceed this maximum rate limit for [a specified number of
4 years] [an indefinite period] by \$ per \$1,000 of equalized value, resulting in a tax
5 levy rate of \$ per \$1,000 of equalized value?" The clerk of the district shall publish
6 the notices required under s. 10.06 (4) (c), (f), and (i) for any referendum held under
7 this paragraph. Notwithstanding s. 10.06 (4) (c), the type A notice under s. 10.01 (2)
8 (a) relating to the referendum is valid even if given and published late as long as it
9 is given and published prior to the election as early as practicable.

10 **(9)** Accept gifts and other aid, which may be used only for the following
11 purposes:

12 (a) Maintaining the park facilities.

13 (b) Operating the park facilities.

14 (c) Making capital improvements to the park facilities.

15 **(10)** Administer the receipt of revenues, and oversee the payment of bills or
16 other debts incurred by the district.

17 **(11)** With regard to the elected members of the board of directors, change any
18 decision imposed by an arbitrator under s. 229.861 (5) (b).

19 **(12)** Adopt a resolution to impose impact fees under s. 66.0617.

20 **(13)** Issue debt under ch. 67 only for capital improvements to park facilities.

21 **229.864 Powers and duties of, and limitations on, municipalities. (1)**

22 The number of members of the board of directors specified in s. 229.861 (6) (a) may
23 be changed only by an agreement that is approved unanimously by the governing
24 bodies of each municipality that makes up the jurisdiction of the district.

