

**BILL**

1           **SECTION 44.** 23.09 (26) (am) 3m. of the statutes is created to read:

2           23.09 **(26)** (am) 3m. Develop and maintain snowmobile trails, facilities, and  
3 areas under subd. 1. or 2.

4           **SECTION 45.** 23.09 (26) (am) 4. of the statutes is repealed.

5           **SECTION 46.** 23.09 (26) (ar) of the statutes is created to read:

6           23.09 **(26)** (ar) Counties may receive aids under this subsection distributed in  
7 accordance with s. 350.12 (4) to enforce laws in and on snowmobile trails, facilities,  
8 and areas.

9           **SECTION 47.** 23.09 (26) (b) of the statutes is amended to read:

10           23.09 **(26)** (b) ~~The county board of any county, which, by resolution, indicates~~  
11 ~~its desire~~ Any county or any local park district that wishes to receive aids under this  
12 subsection shall apply to the department on forms prescribed by the department and  
13 submit required documentation as set forth promulgated by rule on or before April  
14 15, beginning in 1978 of each year.

15           ~~(br)~~ A decision on an aid application shall be made by the department on or  
16 before the following July 1, beginning in 1978. The department may inform itself and  
17 require any necessary evidence from the county or the local park district that the  
18 department determines to be necessary to substantiate the cost before payment is  
19 made.

20           **SECTION 48.** 23.09 (26) (bg) of the statutes is created to read:

21           23.09 **(26)** (bg) The department shall review the aid application as it considers  
22 necessary to determine whether the approval of the application will best serve the  
23 public interest and need. In making its decision, the department shall give careful  
24 consideration to whether the proposal is an integral part of an official comprehensive

**BILL**

1 land and water use plan for the area as well as the relationship of the proposal to  
2 similar proposals on other public lands.

3 **SECTION 49.** 23.09 (26) (d) of the statutes is amended to read:

4 23.09 (26) (d) Distribution of snowmobile trail development funds shall be  
5 limited to trails which provide a primary access route through one county and  
6 connect with another county's trails, provide access from population centers to main  
7 access trails or support a high volume of use. Counties and local park districts  
8 applying for aid for snowmobile trail development shall identify the type of trail for  
9 which aid is being sought on the forms under par. (b).

10 **SECTION 50.** 23.09 (26) (h) of the statutes is created to read:

11 23.09 (26) (h) Trails, areas, facilities, or other structures for which aid granted  
12 under this subsection is provided may not be converted to uses that are inconsistent  
13 with the purposes of this subsection without the approval of the department. The  
14 department shall not grant approval unless there is evidence that these uses are  
15 essential to and in accordance with an official comprehensive land and water use  
16 plan for the area. The department shall require that the proceeds from the sale or  
17 other disposal of trails, areas, facilities, or other structures for which aid is provided  
18 under this subsection be used to further the purposes of this subsection.

19 **SECTION 51.** 23.175 (1) (a) of the statutes is amended to read:

20 23.175 (1) (a) "Political subdivision" means a city, a village, a town or a county,  
21 or a local park district created under s. 27.161.

22 **SECTION 52.** 23.305 (1) (intro.) of the statutes is amended to read:

23 23.305 (1) (intro.) In this section, ~~"spectator sports";~~

**BILL****SECTION 52**

1           **(bm)** “Spectator sports” means events or contests in which the general public  
2           spectates but does not participate, including without limitation because of  
3           enumeration:

4           **SECTION 53.** 23.305 (1) (a) to (i) of the statutes are renumbered 23.305 (1) (bm)  
5           1. to 9.

6           **SECTION 54.** 23.305 (1) (am) of the statutes is created to read:

7           23.305 **(1)** (am) “Local park district” means a local park district created under  
8           s. 27.161 but not with the participation of any city.

9           **SECTION 55.** 23.305 (2) of the statutes is amended to read:

10          23.305 **(2)** Notwithstanding ss. 23.30 and 28.04, the department may lease  
11          state park land or state forest land to towns, villages ~~or~~, counties, or local park  
12          districts for outdoor recreational purposes associated with spectator sports.

13          **SECTION 56.** 23.33 (1) (im) of the statutes is created to read:

14          23.33 **(1)** (im) “Local park district” means a local park district created under  
15          s. 27.161.

16          **SECTION 57.** 23.33 (8) (c) of the statutes is amended to read:

17          23.33 **(8)** (c) *Trails.* A town, a village, a city, a county, or a local park district  
18          or the department may designate corridors through land which it owns or controls,  
19          or for which it obtains leases, easements or permission, for use as all-terrain vehicle  
20          trails.

21          **SECTION 58.** 23.33 (9) (c) of the statutes is amended to read:

22          23.33 **(9)** (c) *Signs.* In addition to the projects listed in par. (b), the department  
23          may provide aid under this subsection to a town, village, city ~~or~~, county, or local park  
24          district for up to ~~100%~~ 100 percent of the cost of placing signs developed under sub.  
25          (4z) (a) 2.

**BILL**

1           **SECTION 59.** 23.33 (11) (a) of the statutes is amended to read:

2           23.33 **(11)** (a) ~~Counties, towns, cities and villages~~ A county, city, town, or village  
3 may enact ordinances regulating all-terrain vehicles on all-terrain vehicle trails  
4 maintained by or on all-terrain vehicle routes designated by under the jurisdiction  
5 of the county, city, town, or village.

6           **SECTION 60.** 25.50 (1) (d) of the statutes is amended to read:

7           25.50 **(1)** (d) “Local government” means any county, town, village, city, power  
8 district, sewerage district, drainage district, town sanitary district, public inland  
9 lake protection and rehabilitation district, local professional baseball park district  
10 created under subch. III of ch. 229, family care district under s. 46.2895, local  
11 professional football stadium district created under subch. IV of ch. 229, local  
12 cultural arts district created under subch. V of ch. 229, local park district created  
13 under s. 27.161, public library system, school district or technical college district in  
14 this state, any commission, committee, board, or officer of any governmental  
15 subdivision of this state, any court of this state, other than the court of appeals or the  
16 supreme court, or any authority created under s. <sup>114.613</sup>231.02, 233.02, or 234.02.

17           **SECTION 61.** 27.01 (3) of the statutes is amended to read:

18           27.01 **(3)** TRANSFER OF STATE PARK LAND TO MUNICIPALITIES. The department may  
19 not transfer the ownership of any state park or land within any state park to any  
20 ~~county, city, village or, town,~~ county, or local park district created under s. 27.161  
21 unless it the department receives the approval of the joint committee on finance  
22 regarding the appropriate level of reimbursement to be received by the state to  
23 reflect the state's cost in acquiring and developing the state park or land within the  
24 state park.

25           **SECTION 62.** 27.02 (1) of the statutes is amended to read:

**BILL****SECTION 62**

1           27.02 (1) Except as provided under sub. (2) and except in counties that are part  
2 of a local park district created under s. 27.161, in every county with a population of  
3 at least 150,000, but less than 500,000, and in any other county with a population  
4 of less than 150,000 wherein the county board has by resolution provided for a county  
5 park commission subject to ss. 27.02 to 27.06, the chairperson of the county board  
6 shall appoint a county park commission consisting of 7 members, any number of  
7 which may be members of the county board. The appointments shall be made in  
8 writing and filed in the office of the county clerk. The term of each member, except  
9 county board members, is 7 years following July 1 of the year in which the  
10 appointment is made and until the appointment and qualification of a successor,  
11 except that the first 7 members shall be appointed respectively for such terms that  
12 on July 1 in each of the 7 years following the year in which they are appointed the  
13 term of one member will expire. After the original appointments one commissioner  
14 shall be appointed annually in the month of June to succeed the member whose term  
15 will expire on July 1 following, except that in counties with a population of at least  
16 150,000 but less than 500,000 the members shall be elected by the county board of  
17 supervisors. The term of any park commissioner appointed to the commission while  
18 serving as a county board member shall end when the commissioner's membership  
19 on the county board terminates, unless thereafter reappointed to the commission.

20           **SECTION 63.** 27.03 (2) of the statutes is amended to read:

21           27.03 (2) In any county with a county executive or a county administrator, other  
22 than in a county that is part of a local park district created under s. 27.161, the county  
23 executive or county administrator shall appoint and supervise a general manager of  
24 the park system. The appointment shall be subject to confirmation by the county  
25 board unless the county board, by ordinance, elects to waive confirmation or unless

**BILL**

1 the appointment is made under a civil service system competitive examination  
2 procedure established under s. 59.52 (8) or ch. 63. In any county with a population  
3 of 500,000 or more, the general manager of the park system shall be in the  
4 unclassified civil service and is subject to confirmation by the county board unless  
5 the county board, by ordinance, elects to waive confirmation.

6 **SECTION 64.** 27.05 (intro.) of the statutes is amended to read:

7 **27.05 Powers of commission or general manager.** (intro.) The Except in  
8 a county that is part of a local park district created under s. 27.161, the county park  
9 commission, or the general manager in counties with a county executive or county  
10 administrator, shall have charge and supervision of all county parks and all lands  
11 acquired by the county for park or reservation purposes. The county park  
12 commission or general manager, subject to the general supervision of the county  
13 board and regulations prescribed by the county board, except as provided under s.  
14 27.03 (2), may do any of the following:

15 **SECTION 65.** 27.06 of the statutes is amended to read:

16 **27.06 Mill-tax appropriation.** The Except in a county that is part of a local  
17 park district created under s. 27.161, the county board may annually, at the same  
18 time that other county taxes are levied, levy a tax upon the taxable property of such  
19 county for the purchase of land and the payment of expenses incurred in carrying on  
20 the work of the park commission. In every county having a population of 500,000 or  
21 more, the county park commission shall be subject to s. 59.60.

22 **SECTION 66.** 27.075 (1) of the statutes is amended to read:

23 27.075 (1) The Except in a county that is part of a local park district created  
24 under s. 27.161, the county board of any county with a population of less than 500,000  
25 is hereby vested with all powers of a local, legislative, and administrative character

**BILL****SECTION 66**

1 for the purpose of governing, managing, controlling, improving, and caring for public  
2 parks, parkways, boulevards, and pleasure drives; and to carry out these powers in  
3 districts which it may create for different purposes, or throughout the county, and for  
4 such purposes to levy county taxes, to issue bonds, assessment certificates, and  
5 improvement bonds, or any other evidence of indebtedness. The powers hereby  
6 conferred under this section may be exercised by the county board in any ~~town, city~~  
7 ~~or village~~ city, village, or town, or part thereof located in such ~~the~~ county upon the  
8 request of any such ~~town, city or village~~ city, village, or town, evidenced by a  
9 resolution adopted by a majority vote of the members-elect of its governing body,  
10 designating the particular park function, duty, or act, and the terms, if any, upon  
11 which the same shall be exercised by the county board. Such ~~The~~ resolution shall  
12 state whether the authority or function is to be exercised exclusively by the county  
13 or jointly by the county and the ~~town, city or village~~ city, village, or town, and shall  
14 also state that the exercise of such ~~the~~ power by the county is in the public interest.  
15 Upon the receipt of the resolution, the county board may, by a resolution adopted by  
16 a majority vote of its membership, elect to assume the exercise of such ~~the~~ authority  
17 or function, upon the terms and conditions set forth in the resolution presented by  
18 the ~~town, city or village~~ city, village, or town. A city, village, or town that wishes to  
19 create or participate in a local park district under s. 27.161, or terminate its  
20 participation with a county under s. 27.161 (3), may negotiate the termination of any  
21 agreement entered into with a county under this subsection or may remain a party  
22 to the agreement.

23 **SECTION 67.** 27.075 (2) of the statutes is amended to read:

24 27.075 (2) The county board of any such county, or the commission of a district  
25 created under s. 27.161, may, by a resolution adopted by a majority of its

**BILL**

1 membership, propose to the ~~towns, cities and villages~~ cities, villages, and towns  
2 located in ~~such~~ the county, or any of them, that it offers to exercise such the powers  
3 and functions ~~therein in order~~ that are necessary to consolidate municipal park  
4 services and functions in said the county. ~~Such~~ The resolution shall designate the  
5 particular function, duty, or act and the terms and conditions, if any, upon which the  
6 county board or district will perform the same. The powers conferred in sub. (1) and  
7 designated in ~~such~~ the resolution may ~~thereafter~~ be exercised by the county board,  
8 or commission, in each ~~such town, city or village~~ which shall accept such city, village,  
9 or town which accepts the proposal by the adoption of a resolution by a majority vote  
10 of the members-elect of its governing body, except that no governing body may accept  
11 any proposal described under this subsection unless it contains a provision under  
12 which the city, village, or town may terminate its agreement with the county or the  
13 district so that the city, village, or town may create or participate in a local park  
14 district under s. 27.161.

15 **SECTION 68.** 27.075 (3) of the statutes is amended to read:

16 27.075 (3) After the adoption of resolutions by the county board, ~~the county~~  
17 ~~board shall have full power to~~ or the commission as defined in s. 27.16 (2), the board  
18 or commission may legislate upon and administer the entire subject matter  
19 committed to it, ~~and among other things, to~~ and may determine, where not otherwise  
20 provided by law, the manner of exercising the power thus assumed. No county may  
21 exercise any power under this section in a local park district created under s. 27.161.

22 **SECTION 69.** 27.075 (4) of the statutes is amended to read:

23 27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter  
24 into ~~necessary~~ contracts with the county, or the district as defined in s. 27.16 (4), and  
25 appropriate money to pay the county or the district, for the reasonable expenses

**BILL****SECTION 69**

1 incurred in rendering the park services assumed. ~~Such~~ The contract shall also  
2 provide a procedure for the termination of the contract by any city, village, or town  
3 that wishes to create or participate in a local park district under s. 27.161. The  
4 expenses may be certified, returned, and paid as are other county charges, and, in  
5 the case of services performed pursuant to under a proposal for the consolidation  
6 thereof of municipal park services initiated by the county board or district and made  
7 available to each town, city and village city, village, and town in the county on the  
8 same terms, the expenses thereof shall be certified, returned, and paid as county  
9 charges; but in the event that each and every town, city and village if every city,  
10 village, and town in the county shall accept such accepts the proposal of the county  
11 board or district the expenses thereof shall be paid by county or district taxes to be  
12 levied and collected as are other taxes for county purposes. ~~Said towns, cities and~~  
13 ~~villages are vested with all necessary power to do the things herein required, and to~~  
14 ~~do all things and to exercise or relinquish any of the powers herein provided or~~  
15 ~~contemplated.~~ The procedure herein provided in this section for the request or  
16 acceptance of the exercise of the powers conferred on the county board or district  
17 commission in cities and villages is hereby ~~prescribed~~ as a special method of  
18 determining the local affairs and government of such cities and villages pursuant to  
19 article XI, section 3, of the constitution.

20 **SECTION 70.** 27.08 (1) of the statutes is amended to read:

21 27.08 (1) Every city that is not part of a local park district created under s.  
22 27.161 may by ordinance create a board of park commissioners subject to this section,  
23 or otherwise as provided by ordinance. ~~Such, and if the city has a board of park~~  
24 commissioners the city shall terminate that board and end the board's authority  
25 under this section upon the city's creation of or participation in a local park district

**BILL**

1 under s. 27.161. The board shall be organized as directed by the common council  
2 shall provide.

3 **SECTION 71.** 27.08 (3) of the statutes is amended to read:

4 27.08 (3) ~~In any city having no~~ If a city does not have a board of park  
5 commissioners ~~its~~ and is not part of a local park district created under s. 27.161, the  
6 city's public parks, parkways, boulevards, and pleasure drives shall be under the  
7 charge of its board of public works, ~~if it has such last named board; otherwise or, if~~  
8 it does not have such a board, under the charge of its common council. When so in  
9 charge, the board of public works or the common council may exercise all of the  
10 powers of a board of park commissioners. Upon a city's creation of or participation  
11 in a local park district under s. 27.161, the city's board of public works or common  
12 council may not exercise any authority under this section.

13 **SECTION 72.** 27.16 of the statutes is created to read:

14 **27.16 Local park districts; definitions.** In ss. 27.16 to 27.165:

15 (1) "Chief executive officer" means, as to a sponsoring political subdivision or  
16 as to a municipality or county that is wholly within the jurisdiction of a district, the  
17 mayor or city manager of a city, the village president of a village, the town board  
18 chairperson of a town, the county executive of a county or, if the county does not have  
19 a county executive, the chairperson of the county board.

20 (2) "Commission" means the governing body of a district.

21 (3) "Commissioners" means the commissioners of a district.

22 (4) "District" means a local park district which is a special purpose district  
23 created under s. 27.161.

**BILL****SECTION 72**

1           (5) “Enabling resolution” means a resolution, or an amendment of a resolution,  
2 adopted by the governing body of a municipality or county and signed by the chief  
3 executive officer to create a district.

4           (6) “Municipality” means a city, village, or town.

5           (7) “Park facilities” means a public park, including improvements, that is  
6 owned by a district, or a public park, including improvements, that is owned by a  
7 municipality, or a county, but is under the management and control of a district, or  
8 both.

9           (8) “Political subdivision” means a municipality or county.

10           (9) “Regular election” means an election that is described in s. 5.02 (5), (18),  
11 (21), or (22).

12           (10) “Sponsoring political subdivision” means any of the following:

13           (a) A municipality that creates a district <sup>on its own or</sup> in combination with another  
14 municipality or county.

15           (b) A county that creates a district on its own or in combination with another  
16 municipality or county.

17           **SECTION 73.** 27.161 of the statutes is created to read:

18           **27.161 Local park districts; creation, organization, and**

19 **administration.** (1) Subject to sub. (5), one or more <sup>political subdivisions</sup> ~~counties, a combination of 2~~  
20 ~~or more municipalities, of a combination of at least one county and one municipality~~

21 may create a special purpose district that is a unit of government, that is a body  
22 corporate and politic, that is separate and distinct from, and independent of, the  
23 state and the sponsoring political subdivisions, and that has the powers under s.  
24 27.163, if the sponsoring political subdivisions do all of the following:

**BILL**

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 ~~summary~~ <sup>detailed</sup> description of the boundaries of the proposed district.
- 6 4. If the sponsoring political subdivision is a municipality, declares an intention  
7 to negotiate with a county the termination of any agreement entered into under s.

8 27.075 (1), (2), or (4). <sup>population of</sup> ~~6.8~~ <sup>5</sup> ~~6.8~~ <sup>Except in counties having a population of 500,000 or more, the</sup>

9 <sup>number of</sup> ~~6.8~~ <sup>commissioners</sup> If the sponsoring political subdivision is a county, declare an intention to  
10 negotiate with each municipality that is subject to an agreement or contract with the <sup>and</sup>  
11 county under s. 27.075 (1), (2), or (4) the termination of any such agreements or <sup>those</sup>  
12 contracts, or negotiate an agreement under which each such municipality may <sup>commissioners</sup>  
13 remain as a party to the agreement or contract knowing that the district will assume <sup>who</sup>  
14 the county's responsibility under the agreement or contract. <sup>will be</sup>

15 ~~7.6~~ <sup>7.6</sup> If the sponsoring political subdivision is a county, declare an intention to  
16 separate its local park commission or local park department from the county as part <sup>electoral</sup>  
17 of the process of creating a district. <sup>and the</sup>  
<sup>number of those</sup>  
<sup>commissioners</sup>  
<sup>who</sup>  
<sup>will be</sup>  
<sup>electoral</sup>  
<sup>from</sup>  
<sup>election</sup>  
<sup>districts</sup>

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

20 (2) Subject to sub. (5), a district shall consist of ~~at least one or more counties,~~  
21 ~~a combination of at least 4 municipalities or a combination of at least one county and~~  
22 ~~one municipality.~~ <sup>one or more municipalities or a combination of at least one county and</sup> <sup>at least one county and</sup>  
23 Each sponsoring political subdivision shall be identified in a <sup>except that no county may contain more than one district</sup>  
24 substantially similar enabling resolution that is adopted by the governing body of  
25 each sponsoring political subdivision within a 90-day period beginning with the date  
of adoption of the first enabling resolution.

political subdivisions

which shall  
be at least  
3 but NOT  
more than  
95

BILL

SECTION 73

*shall specify each political subdivision whose park facilities are to be included in the district and shall*

*proposed*

(3) A district may also be created, subject to subs. (4) and (5), by a petition and referendum if ~~all of the following occur~~ *of a district is filed in accordance with this subsection and*

(a) ~~A petition that conforms to the requirements of s. 8.40, which contains a~~ *petition requesting the creation of a district is filed in accordance with this subsection and*

~~detailed description and scale map of the proposed district on the question of the~~ *creation of a district*

~~creation of a district is~~ *circulated on or after* ~~December 1~~ *of any* ~~and filed not later than 5~~ *may be* ~~p.m. on the first Tuesday in January in each political subdivision that is within the~~ *3rd February January year* ~~boundaries of the proposed district.~~

~~The~~ *shall be* ~~petition is~~ *signed by at least 100 qualified electors residing in each* ~~political subdivision~~ *whose park facilities are to be included in the proposed district*

~~The signed petition is~~ *shall be* ~~filed with the clerk of each political subdivision in~~ *whose park facilities are to be included in the proposed district* ~~which the petition is circulated.~~

(4) If all of the steps in sub. (3) occur, each political subdivision in which *a* ~~petitions~~ *shall* containing the requisite number of signatures are submitted to the clerk shall hold a referendum at the next succeeding spring election. Subject to sub. (5),

if the question submitted at the referendum is approved by a majority of the electors who vote in the referendum *political subdivision* ~~at the spring election~~ in at least one ~~county~~ *in a* ~~combination of at least 2 municipalities, or in a combination of at least one county~~ *one municipality and*

~~and one municipality,~~ *and one municipality* a special purpose district that is a unit of government, that is a body corporate and politic, that is separate and distinct from, and independent of, the state and each political subdivision, and that has the powers under s. 27.163 is created, the boundaries of which include each political subdivision in which the question is approved. The referendum question shall be substantially as follows:

"Shall a local park district, the territory of which includes in whole the .... [name of municipality or county], be created?" If a referendum question is not approved in at

*(b) Exception in counties having a population of 500,000 or more, the petition shall specify the number of commissioners, and the number of those commissioners who will be elected at large and the number of those commissioners who will be elected from election districts.*

*creation of a district is approved by a majority of the electors of each political subdivision where park facilities are to be included in the proposed district by petition shall conform to the following requirements*

**BILL**

1 least one ~~county~~ <sup>political subdivision</sup> in a combination of at least 2 municipalities, or in a combination of  
2 ~~at least one county and one municipality~~, no district may be created.

3 (5) Before a district ~~may be~~ <sup>is</sup> created, the governing bodies of each political  
4 subdivision that has adopted a resolution under sub. (1) or in which a referendum  
5 question has been approved under sub. (4) shall adopt a resolution or enact an  
6 ordinance, <sup>which shall become effective</sup> not later than September 1 of the year in which the resolution under sub.  
7 (1) or the referendum question is approved, that contains an agreement among each  
8 of the governing bodies which addresses at least all of the following provisions:

9 (a) A mechanism that provides, from each of the political subdivisions, a loan  
10 of start-up funds for the initial operating costs of the district. The loaned start-up  
11 funds shall be sufficient to sustain the district until it receives the first amount of  
12 proceeds from a tax that is imposed under s. 27.163 (8).

13 (b) A method of appointing temporary commissioners to serve until the initial  
14 members are elected at the spring election and qualified to take office.

15 (c) An initial districting plan for the election of the commissioners, <sup>who will be elected by</sup> under sub.  
16 (7) (b).

17 (d) A method to transfer title of the municipal <sup>county or</sup> ~~or local park~~ facilities within  
18 their individual jurisdictions to the district.

19 (e) A method to select an arbitrator who will decide any issues relating to the  
20 creation or dissolution of a district, under s. 27.165 (2) that the sponsoring political  
21 subdivisions, or governing bodies of political subdivisions that join a district,  
22 question or are unable to resolve.

23 ~~ADD STET~~ (6) If a district is created, on the date that the creation becomes effective:

24 (a) All assets and liabilities of the political subdivision with respect to park and  
25 recreational functions become assets and liabilities of the district.

x all of the following occur:

enabling resolution is adopted in one or more political subdivisions under sub. (1) or a referendum question is approved in one or more political subdivisions under sub. (2) (b).

The initial commissioners are elected under sub. (a) 3. and assume office under sub. (e) 7 (c) 2.

BILL

SECTION 73

INS 34-5

1 (b) All ~~positions~~ <sup>employees</sup> of the political subdivision having functions related to parks  
 2 and recreation ~~and the incumbent employees occupying those positions~~ become  
 3 ~~positions and~~ employees of the district. Employees so transferred have all the rights  
 4 under subch. IV of ch. 111, s. 59.52 (8), ~~subch. I of ch. 63,~~ or ~~§ 66.0509,~~ that they  
 5 enjoyed as employees of the political subdivision. No employee so transferred who  
 6 has attained permanent status in class is required to serve a probationary period.

are elected at large they shall be elected from numbered seats which shall be designated by the commission. If the commission are elected from election districts they shall be elected.

7 (c) All tangible personal property of the political subdivision with respect to  
 8 park and recreational functions is transferred to the district.

9 (d) All contracts entered into by the political subdivision with respect to park  
 10 and recreational functions remain in effect and are transferred to the district. The  
 11 district shall carry out any obligations under such a contract until the contract is  
 12 modified or rescinded by the district, to the extent allowed under the contract.

13 (A) Any matter pending with the political subdivision with respect to park and  
 14 recreational functions is transferred to the district and all materials submitted to or  
 15 actions taken by the political subdivision with respect to park and recreational  
 16 functions are considered as having been submitted to or taken by the district.

17 ~~(7)~~ (7) (a) 1. The district is governed by a commission. The commission may adopt  
 18 bylaws to govern the district's activities, subject to this ss. 27.16 to 27.165. ~~The~~  
 19 ~~commission shall consist of 9 members, 2 of whom shall be elected at large and 7 of~~  
 20 ~~whom shall be elected from election districts within the district.~~

21 2. The commissioners shall be <sup>regularly</sup> elected at the spring election pursuant to a  
 22 districting plan adopted under par. (b).

23 3. The <sup>initial</sup> ~~first~~ election of commissioners shall occur ~~in April~~ at the spring election that is held in  
 24 the year in which the resolution or ordinance described in sub. (5) (a) takes effect.

25 ~~Temporary members shall be appointed according to the ordinance or resolution~~

and not fewer than 5 members

INS 34-7

INS 34-12

not more than

except that if the resolution or ordinance takes effect before June in an even-numbered year, the initial election of commissioners shall occur at a special election which shall be held concurrently with the general election

who shall be elected from election districts within the district. In districts located wholly or partly within other counties, the

SECTION 73

BILL

*No 9*  
*The clerk or board of election*

*For commissioners of the most populous political subdivision*  
under sub. (5) (b) to serve until the initial members are elected at the spring election  
*whose park facilities are included in the district shall*  
and qualified to take office.

(b) 1. Each districting plan shall divide the entire district into election districts  
for the election of commissioners. The districting plan shall assign consecutive whole  
numbers to the election districts. Each election district shall consist of contiguous  
whole wards or municipalities and shall be equal in population insofar as  
practicable.

*is appointed under par. (g) (h) and equalities.*

*The districting plan for the election of initial commissioners*  
~~The initial districting plan adopted by a commission shall specify the  
initial terms of office of the commissioners in each election district.~~  
*in a newly created district shall be prescribed by the board. Thereafter*

The plan shall be adopted by a majority vote of the members elected or appointed to the commission.  
Except as otherwise provided in sub. (m) or (10), the plan shall be effective until the  
commission adopts a revised plan following the next federal decennial census. Upon  
implementation of the plan, each commissioner who is elected to represent an  
election district shall be elected by plurality vote of the electors of the election district  
from which he or she seeks office. In a primary election for the office of any  
commissioner to be elected from an election district, only the electors of the election  
district may vote in the election.

*the commission shall adopt the districting plan*

2. Each candidate for commissioner shall state on the face of his or her  
declaration of candidacy and nomination papers whether the candidate seeks  
election at large or from an election district, and if from an election district, the  
number of the district from which the candidate seeks office.

(c) Each commissioner shall be a resident of the district and, if elected from an  
election district, a resident of the election district from which he or she is elected at  
the time that the member takes the oath of office. If a commissioner who is elected  
from an election district ceases to be a resident of that ~~area~~ *election district* after the beginning of his  
or her term of office but continues to be a resident of the district, the member may

*no commission exists. no*  
*no commission exists. no*  
*no commission exists. no*

**BILL 912** SECTION 73

*(d) No person who serves in any other state, local or national office, as defined in s. 5.02, is eligible to serve in the office of commissioner.*  
continue to serve for the remainder of the term for which he or she was elected or appointed.

*Except as provided in this paragraph, the*  
(e) *(d)* The terms of the commissioners shall be 3 years, beginning on the first Monday in June following their election to office, ~~except that~~ *When a district is created* the terms of one-third of the initial persons elected to office shall expire on the first Monday in June ~~that~~ *of the* ~~is one year~~ *year* following that year; the terms of one-third of the initial persons elected to office, ~~including one person who is elected at large,~~ shall expire on the first Monday in June ~~that is 2 years~~ *of the 2nd year* following that year; and the terms of one-third of the persons elected to office, ~~including one person who is elected at large,~~ shall expire on the first Monday in June ~~that is 3 years~~ *of the 3rd year* following that year. *(f)* Commissioners may be removed from office before the expiration of their terms, for cause, as provided in s. 17.13 (3) and may be recalled as provided in s. 9.10. Vacancies in the office of commissioner shall be filled as provided in s. 17.27 (1f).

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

*(h)* (f) 1. The commission shall appoint a person to serve as clerk of the district. The clerk shall administer the affairs of the district, under the direction of the commission. Within 7 days after the appointment of any person to fill a vacancy on the commission, the clerk shall notify the person of his or her appointment.

2. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify to the county clerk, *for board of election commissioners* the names of candidates who have filed valid nomination papers for commissioner and who are eligible to have their names appear on the ballot under

*36-10*

**BILL**

1 s. 8.30. If any municipality lying wholly or partially within the district prepares its  
 2 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of  
 3 candidates to the municipal clerk. In making these certifications, the clerk shall  
 4 designate the form of each candidate's name to appear on the ballot in the manner  
 5 prescribed under s. 7.08 (2) (a). If a primary is held for any seat on a commission,  
 6 the clerk shall certify to the county clerk <sup>or board of election commissioners</sup> the names of candidates who have won  
 7 nomination to the commission and who are eligible to have their names appear on  
 8 the ballot under s. 8.30. If any municipality lying wholly or partially within the  
 9 district prepares its own ballots under s. 7.15 (2) (c), the clerk shall similarly certify  
 10 the names of candidates to the municipal clerk. The clerk shall notify the municipal  
 11 clerk <sup>or board of election commissioners</sup> of each municipality lying wholly or partially within the district of any district  
 12 election and furnish each municipal clerk with a copy of the notice of the district  
 13 election. If ~~paper~~ <sup>ballots that are used in the district</sup> ballots are utilized at a district election, the clerk shall provide each  
 14 municipal clerk <sup>and board of election commissioners</sup> with an adequate supply of ballots for the election at least 22 days  
 15 before the election. The clerk shall issue certificates of election to persons who are  
 16 elected to the commission after each election in the manner provided under s. 7.53  
 17 (4). ✓

18 (12) (g) The commissioners shall be reimbursed for their actual and necessary  
 19 expenses incurred in the performance of their duties, but may not receive a salary.

20 (11) (h) Upon the election under par. (a) and qualification of a majority of the  
 21 commissioners, the commission may exercise the powers and duties of a commission  
 22 under this subchapter.

23 (K) (4) At its first meeting, the commission shall name the district.

24 (7m) Within 60 days after the municipal governing body of each municipality  
 25 that is wholly or partly contained within the district enacts an ordinance or adopts

**BILL****SECTION 73**

1 a resolution under s. 5.15 dividing the municipality into wards, if the municipality  
2 is required to do so, or otherwise within 60 days after the necessary population data  
3 becomes available from the federal government or is published by an agency of this  
4 state, the commission shall, by vote of a majority of the members of the commission,  
5 adopt a revised plan for the election districts within the district. Each election  
6 district under the plan shall consist of contiguous whole wards or municipalities and  
7 shall be equal in population insofar as practicable. Except as otherwise required  
8 under sub. (10), the plan shall be effective until the commission adopts a revised plan  
9 under this subsection following the next federal decennial census unless a court of  
10 competent jurisdiction orders the commission to revise the plan at an earlier date.

11 ~~STET~~ *STET* *and no county may contain more than one district* (8) (a) The territory of a political subdivision may be in only one district. If a  
12 city or village whose territory is in one district annexes territory that contains park  
13 facilities that are located in a different district, that district shall transfer ownership  
14 of the park facilities that are located in the annexed territory to the district whose  
15 territory includes the annexing city or village. The district which receives the  
16 annexed territory shall negotiate a settlement agreement with the park district from  
17 which the territory was annexed to compensate that park district for the park  
18 facilities that are transferred, based on at least all of the following factors:

- 19 1. The current value of park facilities that are transferred.
- 20 2. The amount of money or any other contribution made by the park district for  
21 the park facilities that are transferred.

22 (b) If the park districts are unable to negotiate a settlement under par. (a)  
23 within 60 days after the effective date of the annexation that results in the transfer  
24 of territory, the districts shall agree on the selection of an arbitrator who shall decide

SECTION 73

BILL

*whose park facilities are included within a district*

1 the settlement amount, and send written notification of his or her decision to all  
2 parties, within 30 days after his or her appointment.

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

6 ~~(b) A political subdivision which is part of a district may withdraw from the~~  
7 district as provided in this subsection if the governing body of the political  
8 subdivision *[no later than the 3rd Tuesday in February preceding a spring*  
9 *election]* adopts a resolution declaring its intention to withdraw from the district  
10 and the ~~commission~~ *political subdivision at a referendum held concurrently with the*  
11 ~~adopts a resolution approving the political subdivision's~~  
12 ~~resolution.~~ *spring election*

11 (b) If ~~a political subdivision adopts a resolution declaring its intention to~~  
12 ~~withdraw from the district and the commission rejects the political subdivision's~~  
13 ~~requesting a referendum on the question of withdrawal if the political subdivision~~  
14 ~~resolution,~~ *the electors of [the political subdivision] file a petition with the clerk of the*  
15 the commission shall call a referendum in the political subdivision for the  
16 purpose of submitting the *question of withdrawal* ~~political subdivision's resolution~~ to the electors of the  
17 political subdivision for approval or rejection *from the district* ~~the question of whether the political~~  
18 ~~subdivision should withdraw from the district.~~ *concurrently with the spring election* The referendum shall be held at the  
19 next regular election to be held not earlier than 42 days after the political  
20 subdivision's resolution is rejected by the commission. *(4 CC)*

19 electors shall be "Shall the .... (name of *political subdivision*) withdraw from the .... (name  
20 of district)?" If the electors approve the question, the *political subdivision* shall withdraw  
21 from the district. *effective on the second day of...*

*PWS*  
*39-21*

22 (e) If a political subdivision withdraws from a district under this subsection,  
23 title to the park facilities that are located in the political subdivision shall be  
24 transferred from the district to the political subdivision or from which the facilities  
25 were transferred.

**BILL**

**SECTION 73**

1 (d) If a political subdivision withdraws from a district under this subsection  
 2 and the territory remaining in the district after the withdrawal does not consist of  
 3 at least one ~~county, one county and one municipality, or 2 municipalities~~ <sup>political subdivision</sup> <sup>e</sup> <sup>d</sup>, the district  
 4 shall dissolve under s. 27.165. If ~~more than one municipality or~~ at least one  
 5 ~~municipality and a county, or one county~~ <sup>political subdivision, c</sup> remains a part of the district after a political  
 6 subdivision withdraws, the political subdivision that withdraws and the commission  
 7 shall negotiate a settlement agreement to compensate that park district for the park  
 8 facilities that are located in the political subdivision, based on at least all of the  
 9 following factors:

- 10 1. The current value of park facilities that are transferred.
- 11 2. The amount of money or any other contribution made by the district for the  
 12 park facilities that are transferred.
- 13 3. The amount of money or any other contribution made by the political  
 14 subdivision municipality for the park facilities that are transferred.

15 (e) If the political subdivision and the district are unable to negotiate a  
 16 settlement under par. (d) <sup>r(g)</sup> within 60 days after the commission approves the  
 17 resolution under par. (a) or within 60 days after the resolution is approved in the  
 18 referendum described under par. (b), the political subdivision and the district shall  
 19 agree on the selection of an arbitrator who shall decide the settlement amount, and  
 20 send written notification of his or her decision to all parties, within 30 days after his  
 21 or her appointment.

22 (f) A withdrawal under this subsection takes effect on <sup>the January 1 following</sup> the date on which a  
 23 settlement is reached or the date on which an arbitrator sends written notification  
 24 of his or her decision.

**BILL**

*DETACHED*

1 (10) (a) Whenever a political subdivision is attached to a district, a political  
 2 subdivision withdraws from a district, or a former municipality becomes a part of a  
 3 district by municipal consolidation, the terms of the members of the commission or  
 4 commissions of the affected district or districts shall expire on the first Monday in  
 5 June of the year *following the year* in which the attachment, withdrawal, or municipal consolidation  
 6 becomes effective. At the spring election immediately preceding ~~the effective date~~ *the expiration of*  
 7 ~~of the attachment, withdrawal or consolidation~~ *the terms of the commissioners*, all members of the commission  
 8 serving the revised district shall be elected in the same manner as members of initial  
 9 commissions are elected under sub. (7) (b).

10 (b) Whenever territory is annexed to or detached from a ~~county or municipality~~ *political subdivision*  
 11 that is a part of a district on the effective date of the annexation or detachment, the  
 12 commission shall, at its next meeting following the effective date of the annexation  
 13 or detachment, attach or detach the annexed or detached territory to an election  
 14 district that is contiguous to the annexed or detached territory in such manner as to  
 15 maintain, in so far as practicable, election districts of substantially equal population.  
 16 In conjunction with any action under this paragraph, the commission may adjust the  
 17 boundaries of the remaining election districts within the district if required to  
 18 maintain election districts of substantially equal population.

*SECTION # 27.162 of the statutes is created to read:*

19 **27.162 Local park districts; jurisdiction and expansion.** (1) The initial  
 20 jurisdiction of a district shall consist of the territory of all of the sponsoring political  
 21 subdivisions that have acted under s. 27.161 (1) and (2) and all of the participating  
 22 political subdivisions that have acted under s. 27.161 (3) in *the* same year, or within 90  
 23 days after the adoption of the first enabling legislation that is described in s. 27.161  
 24 (1).

**BILL**

**SECTION 73**

1           (2) (a) <sup>With the approval of the commission, the</sup> jurisdiction of the district may be expanded to include any other  
 2 political subdivision under procedures adopted by the commission and consistent  
 3 with an agreement entered into between the commission and the political  
 4 subdivision. Under the terms of the agreement, the assets of the political subdivision  
 5 to be included in the expanded jurisdiction shall be treated in a substantially similar  
 6 manner as the assets of all other political subdivisions in the district.

7           (b) The procedures for <sup>any</sup> expansion <sup>approved</sup> ~~adopted~~ under par. (a) <sup>shall permit</sup> ~~may allow~~ the  
 8 governing body of a political subdivision to request inclusion in the district on its own  
 9 resolution, <sup>and shall also permit the electors of a</sup> ~~or at the request of electors in the~~ political subdivision <sup>(to request inclusion in the district)</sup> through a petition  
 10 and referendum process <sup>that is approved by the commission.</sup> ~~that is approved by the commission.~~

INS  
42-10

11           (3) A district's jurisdiction may not be expanded unless the governing body of  
 12 the political subdivision to be included in the expanded jurisdiction of the district  
 13 approves the inclusion of the political subdivision in the district.

14           (3)(4) Eligible electors of a political subdivision included in the expanded  
 15 jurisdiction of a district may vote for members of the board of directors at the first  
 16 election occurring after the effective date of the expansion at which members of the  
 17 board of directors are elected.

18           (4)(5) If a referendum is held on the question of attachment of a political  
 19 subdivision to an existing district, the question shall be submitted at the first regular  
 20 election occurring not sooner than 45 days after the date that the governing body  
 21 adopts a resolution submitting the question to a referendum and the commission  
 22 approves that action. The question shall be "Shall the .... (name of political  
 23 subdivision) become a part of the .... (name of district)?" If the question is approved  
 24 by the electors, the governing body shall enter into an agreement with the

**BILL**

1 commission under sub. (2) (a). The attachment becomes effective on the date  
2 specified in the agreement.

3 SECTION #. 27.163 of the statutes is created to read:  
27.163 Local park districts; powers. A district has all of the powers

4 necessary or convenient to carry out the purposes and provisions of ss. 27.16 to  
5 27.165. In addition to all other powers granted by ss. 27.16 to 27.165, a district may  
6 do all of the following:

7 (1) Adopt and alter an official seal.

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

9 (3) Maintain an office.

10 (4) In connection with park facilities:

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

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

15 (c) Grant concessions.

16 (d) Operate recreational facilities or programs.

17 (5) Employ personnel, and fix and regulate their compensation; and provide,  
18 either directly or subject to an agreement under s. 66.0301 as a participant in a  
19 benefit plan of the political subdivision, any employee benefits, including an  
20 employee pension plan. (INS 43-20 (MES) NOT)

21 (6) Purchase insurance, establish and administer a plan of self-insurance, or,  
22 subject to an agreement with the political subdivision under s. 66.0301, participate  
23 in a governmental plan of insurance or self-insurance.

**BILL**

**SECTION 73**

*adopt and enforce reasonable rules and regulations*

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

*INS MES 44-3 NO #*

4 (8) <sup>(a)</sup> To carry out its functions, by resolution levy a tax on the taxable property  
5 in the district, as equalized by the department of revenue under s. 70.57, except that  
6 no increase in the tax levy rate is effective until the resolution is approved by a  
7 majority of the electors in the political subdivision voting on the resolution at a  
8 referendum, to be held at the first regular election or special election held throughout  
9 the district that is held at least 45 days after the date of adoption of the resolution.  
10 The question submitted shall be whether the property tax levy for the district may  
11 be increased by a specified amount. The clerk of the district shall publish the notices  
12 required under s. 10.06 (4) (c), (f), and (i) for any referendum held under this  
13 subsection. Notwithstanding s. 10.06 (4) (c), the type A notice under s. 10.01 (2) (a)  
14 relating to the referendum is valid even if given and published late as long as it is  
15 given and published prior to the election as early as practicable. If a board of  
16 directors adopts a resolution that increases the property tax levy for the district and  
17 the resolution is approved by the electors, the district clerk shall deliver a certified  
18 copy of the resolution to the secretary of revenue at least 30 days before its effective  
19 date. The tax levy shall be applied to the respective real property and personal  
20 property tax rolls of the city, village, town, and county included in the district and  
21 shall not be included within any limitation on county or municipality taxes.  
22 Collected taxes levied under this paragraph shall be paid to the district treasurer.

*INS  
MES  
44-2223*

23 (9) Accept gifts and other aid, which may be used only for the following  
24 purposes:

25 (a) Maintaining the park facilities.

**BILL**

1 (b) Operating the park facilities.

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

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

5 **(11)** Adopt a resolution to impose impact fees under s. 66.0617.

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

*Handwritten:*  
XNS  
MES  
45-6

7 ~~27.164~~ *SECTION #. 27.164 of the statutes is created to read:*  
**27.164 Local park districts; powers and duties of, and limitations on,**

8 **political subdivisions. (1)** Except as otherwise provided in this section, the  
9 governing bodies of each political subdivision that make up the jurisdiction of the  
10 district may not create a park or expend any funds to support a park or recreational  
11 facilities, or impose an impact fee under s. 66.0617 for park facilities, after the  
12 imposition of the taxes described under s. 27.163 (8).

13 **(2)** In addition to any powers that it may otherwise have, a political subdivision  
14 located wholly or partly within a district's jurisdiction may do any of the following:

15 (a) Make loans to a district upon terms that the political subdivision considers  
16 appropriate.

17 (b) Lease or transfer property to a district upon terms that the political  
18 subdivision considers appropriate.

19 *Section #. 27.165 of the statutes is created to read:*  
**27.165 Local park districts; dissolution. (1)** DISSOLUTION. In addition to  
20 a district being dissolved upon a withdrawal, as described in s. 27.161 (9), the  
21 commission may also vote to dissolve a district. If a district is dissolved, on the date  
22 the dissolution becomes effective all of the following apply:

23 (a) All assets and liabilities of the district shall be apportioned to, and become  
24 the assets and liabilities of, the sponsoring political subdivisions and the governing  
25 bodies of any political subdivisions that joined the district under s. 27.162.

**BILL****SECTION 73**

1 (b) All positions of the district, and the incumbent employees occupying those  
2 positions, become positions and employees of the political subdivisions described  
3 under par. (a), as apportioned by the commission. Employees so transferred have all  
4 the rights under subch. I of ch. 63, subch. IV of ch. 111, s. 59.52 (8), and s. 66.0509  
5 that they enjoyed as employees of the district. No employee so transferred who has  
6 attained permanent status in class is required to serve a probationary period.

7 (c) All tangible personal property of the district is transferred to the political  
8 subdivisions described under par. (a), as apportioned by the commission.

9 (d) All contracts entered into by the district remain in effect and are transferred  
10 to the political subdivisions described under par. (a), as apportioned by the  
11 commission. The political subdivisions shall carry out any obligations under such  
12 a contract until the contract is modified or rescinded by the political subdivisions, to  
13 the extent allowed under the contract.

14 (e) Any matter pending with the district is transferred to the political  
15 subdivisions described under par. (a), as apportioned by the commission and all  
16 materials submitted to or actions taken by the district with respect to park and  
17 recreational functions are considered as having been submitted to or taken by the  
18 political subdivisions.

19 (f) In apportioning property under par. (c), the commission shall consider at  
20 least all of the following factors:

21 1. The current value of park facilities transferred by a political subdivision to  
22 a district.

23 2. The amount of money contributed to the district during its existence by a  
24 political subdivision under s. 27.163 (8).

**BILL**

1           3. The amount of any other contribution made by a political subdivision to a  
2 district, including any contribution that is made under s. 27.164 (2).

3           **(2) ARBITRATION.** In the event that a question arises concerning the application  
4 of s. 27.161 (6) or sub. (1) to any situation, the question shall be resolved by the  
5 arbitrator selected under the procedure in s. 27.161 (5) (e), subject to any applicable  
6 law.

7           **SECTION 74.** 30.277 (1b) (a) of the statutes is amended to read:

8           30.277 **(1b)** (a) “Governmental unit” means a city, a village, a town, a county,  
9 a local park district created under s. 27.161, or the Kickapoo reserve management  
10 board.

11           **SECTION 75.** 66.0301 (1) (a) of the statutes is amended to read:

12           66.0301 **(1)** (a) In this section “municipality” means the state or any  
13 department or agency thereof, or any city, village, town, county, school district, public  
14 library system, public inland lake protection and rehabilitation district, sanitary  
15 district, farm drainage district, metropolitan sewerage district, sewer utility district,  
16 solid waste management system created under s. 59.70 (2), local exposition district  
17 created under subch. II of ch. 229, local professional baseball park district created  
18 under subch. III of ch. 229, local professional football stadium district created under  
19 subch. IV of ch. 229, ~~a~~ local cultural arts district created under subch. V of ch. 229,  
20 local park district created under s. 27.161, family care district under s. 46.2895,  
21 water utility district, mosquito control district, municipal electric company, county  
22 or city transit commission, commission created by contract under this section,  
23 taxation district, regional planning commission, or city–county health department.

24           **SECTION 76.** 66.0617 (1) (a) of the statutes is amended to read: