



2007 SENATE BILL 248

July 31, 2007 - Introduced by Senators DARLING, WIRCH and ERPENBACH, cosponsored by Representatives J. OTT, SINICKI, JESKEWITZ, A. OTT and TOWNSEND. Referred to Committee on Environment and Natural Resources.

1 **AN ACT** *to repeal* 23.09 (26) (am) 4.; *to renumber* 23.305 (1) (a) to (i); *to*
2 *renumber and amend* 23.09 (26) (a); *to amend* 5.02 (5), 5.02 (21), 5.15 (1) (c),
3 5.58 (3), 5.68 (2), 5.68 (3), 7.10 (1) (a), 7.51 (3) (b), 7.51 (3) (d), 7.51 (4) (b), 7.51
4 (5) (a) 2., 3. and 5. and (b), 9.10 (1) (a), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (a), 9.10
5 (4) (d), 9.10 (7), 10.05, 10.07 (1), 11.26 (1) (d) 2., 11.26 (2) (e) 2., 11.31 (1) (h)
6 (intro.), 17.13 (intro.), 17.13 (3), 20.370 (5) (cr), 20.370 (5) (ct), 20.370 (5) (ct),
7 20.370 (5) (cu), 23.09 (19) (a) 2., 23.09 (20) (ab) 2., 23.09 (20m) (a) 1., 23.09 (26)
8 (title), 23.09 (26) (am) (intro.), 23.09 (26) (am) 1., 23.09 (26) (am) 3., 23.09 (26)
9 (b), 23.09 (26) (d), 23.175 (1) (a), 23.305 (1) (intro.), 23.305 (2), 23.33 (8) (c), 23.33
10 (9) (c), 23.33 (11) (a), 25.50 (1) (d), 27.01 (3), 27.02 (1), 27.03 (2), 27.05 (intro.),
11 27.06, 27.075 (1), 27.075 (2), 27.075 (3), 27.075 (4), 27.08 (1), 27.08 (3), 30.277
12 (1b) (a), 40.02 (28), 66.0301 (1) (a), 66.0617 (1) (a), 66.0617 (1) (c), 66.0617 (1)
13 (d), 66.0617 (1) (g), 66.0617 (1) (h), 66.0617 (2) (a), 66.0617 (3), 66.0617 (4) (a)
14 (intro.), 66.0617 (4) (b), 66.0617 (5), 66.0617 (6) (intro.), 66.0617 (6) (b), 66.0617

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1 (7), 66.0617 (8), 66.0617 (9), 66.0617 (10), 67.01 (5), 71.26 (1) (bm), 350.01 (11m),
2 350.04 (3) (a), 350.04 (3) (b), 350.12 (4) (b) 1., 350.12 (4) (b) 3., 350.12 (4) (bg) 1.,
3 350.12 (4) (bg) 2., 350.12 (4) (bm) (intro.), 350.12 (4) (bm) 1., 350.12 (4) (bm) 2.,
4 350.12 (4) (br), 350.138 (1) (d), 350.138 (1) (f) and 350.18 (1); **to repeal and**
5 **recreate** 40.02 (28); and **to create** 5.15 (2) (f) 5., 5.58 (1u), 5.60 (6u), 7.53 (3m),
6 8.10 (3) (kw), 8.10 (6) (e), 8.11 (2f), 11.02 (8), 17.01 (11m), 17.27 (1f), 23.09 (26)
7 (ac), 23.09 (26) (am) 3m., 23.09 (26) (ar), 23.09 (26) (bg), 23.09 (26) (h), 23.305
8 (1) (am), 23.33 (1) (im), 27.16, 27.161, 27.162, 27.163, 27.164, 27.165, 66.0617
9 (1) (am), 66.0617 (2) (am), 66.0617 (6) (h), 70.11 (37m), 77.25 (18m), 77.54 (9a)
10 (i), 350.01 (2m) and 350.01 (9j) of the statutes; **relating to:** authorizing the
11 creation of local park districts, authorizing a local park district to levy a
12 property tax, authorizing a local park district to apply for funding from certain
13 programs administered by the Department of Natural Resources, and
14 authorizing a local park district to impose impact fees and issue debt.

Analysis by the Legislative Reference Bureau**CREATION AND DISSOLUTION OF A DISTRICT**

This bill authorizes one or more municipalities (cities, villages, or towns), one or more counties, or any combination of political subdivisions (municipalities or counties) to create a local park 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 sponsoring political subdivisions which created it and that are within its jurisdiction.

Subject to a number of conditions, a district may be created by one of two methods. Under both methods, an election of the district's commissioners must take place. Under the first method, the governing bodies of one or more political subdivisions may adopt an enabling resolution that declares the need for establishing the district and contains a description of the boundaries of the proposed district. The participating counties or municipalities need not be contiguous. Each political subdivision 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.

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Under the second method, a district consisting of one or more political subdivisions may be created by a petition and referendum. The petition may be circulated on or after January 1 of any year and may be filed no later than 5 p.m. on the third Tuesday in February. The petition must be filed in every political subdivision whose park facilities are proposed to be included in the district. If it is signed by at least 100 qualified electors residing in each political subdivision whose park facilities are proposed to be included in the district, a referendum is held at the next succeeding spring election. A district is then created with a jurisdiction that consists of each of the political subdivisions in which the referendum question is approved, except that no district may be created unless the referendum question is approved in at least one political subdivision.

Before a district may be created, the governing bodies of each of the involved political subdivisions must reach an agreement that includes a number of components, including a method to transfer title of the municipal or county park facilities to the district, a description of any encumbrances or restrictions that run with the land or facilities that are transferred, and a method to select an arbitrator who will decide certain issues that the relevant political subdivisions are unable to resolve. On the date that a district is created, which is always on a January 1 following the initially elected commissioners taking office, all assets and liabilities of the political subdivisions with respect to park and recreational functions become assets and liabilities of the district (except for certain pre-existing political subdivision debt related to park facilities and except for any political subdivision liabilities related to former employees who performed park and recreational functions and whose employment terminated before the district's creation), all tangible personal property of the political subdivisions related to park and recreational functions is transferred to the district, and all incumbent employees of the political subdivisions having functions related to parks and recreation become employees of the district. To the extent allowed by law, transferred employees would retain their rights under their existing collective bargaining agreement. Upon the expiration of the agreement, the district and the employees would negotiate a new collective bargaining agreement.

In connection with park facilities, the powers of a district include the authority to: acquire, develop, maintain, improve, operate, and manage the park facilities; operate recreational facilities or programs; enter into contracts; employ personnel; impose an impact fee on developers for park facilities; issue debt for capital improvements to park facilities; and levy a property tax to carry out its functions. The bill authorizes a district to acquire land by purchase, exchange, or donation, but does not authorize a district to sell land. The bill also grants these districts eligibility for various local aid programs that are administered by the Department of Natural Resources. These programs include the local park aids program, the urban green space program, and funding for county snowmobile trails.

A district is governed by a commission consisting of members who are elected on a nonpartisan ballot at the spring election, except that, in an even-numbered year, if the governing bodies of the political subdivisions whose park facilities are included in a district can agree upon the organizing arrangements by June 1

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following the adoption of resolutions or referenda questions approving the creation of a district, the initial commissioners are elected on a nonpartisan ballot at a special election that is held concurrently with the general (November) election in that year. In districts having a population of 500,000 or more, there must be nine commissioners who must be elected from election districts of equal population, insofar as practicable. In other districts, the enabling resolution or petition must specify the number of commissioners and whether the commissioners are to be elected from election districts, at large, or by a combination of methods. The boundaries of election districts are initially prescribed by the Government Accountability Board and thereafter decennially by the commission. Vacancies are filled by appointment of the remaining members of the commission. Each commissioner must, at the time of taking office, reside within the park district and within the election district, if any, from which he or she is elected or for which he or she is appointed to fill a vacancy. The terms of commissioners are three years, except that the initial terms are staggered such that the terms of approximately one-third of the initial members of the commission expire in each year, and except that the terms of any initial commissioners who are elected at the general election extend for five months longer than the terms of other initial commissioners.

Under the bill, 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 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.

With the commission's approval, the initial jurisdiction of a district may be expanded to include any other political subdivision under procedures adopted by the commission. Any procedures for expansion must allow the governing body of a political subdivision to request inclusion in the district by resolution or at the request of electors through a petition and referendum procedure.

The bill also provides two methods for a political subdivision to withdraw from the district. Under the first method, if the governing body of a political subdivision adopts a resolution declaring its intention to withdraw from the district and the electors of the political subdivision approve the resolution in a referendum called for that purpose, the political subdivision may withdraw from the district. Under the second method, the electors of a political subdivision may petition the commission to submit the question of withdrawal of the political subdivision from a district, and the commission must then call a referendum in the political subdivision for the electors to vote on whether to approve the question. If the question submitted at the referendum is approved, the political subdivision must withdraw from the district. Under either method, however, the political subdivision and the district must negotiate a settlement to compensate the district for the park facilities that are located in the political subdivision. If the district and the political subdivision are

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unable to negotiate a settlement within 60 days after the political subdivision's resolution is either approved by the commission or approved in a referendum, the district and the political subdivision must agree on the selection of an arbitrator who must decide the settlement amount within 30 days after his or her appointment.

A district may dissolve by action of the commission, subject to payment of the district's debts and fulfillment of its other contractual obligations. If after withdrawal of a political subdivision, the territory that remains in the district does not consist of at least one political subdivision, the district must dissolve. If a district is dissolved, its assets, liabilities, employees, pending matters, and property must be apportioned to, and become the responsibility of, the sponsoring political subdivisions and any other political subdivisions that joined the district. The commission is empowered to apportion these items among the responsible political subdivisions. If a question arises as to the the commission's actions during dissolution, the question must be resolved by an arbitrator who is selected under the previously agreed to procedure.

Under the bill, a political subdivision may make loans or lease or transfer property to a district. Generally, however, a political subdivision may not create a park or expend any funds to support park or recreational facilities, or impose an impact fee on a developer for park facilities, after a district levies a property tax.

TAXATION

When a district is created, the initial property tax levy of the district must be imposed by the commission in an amount that equals the total operating levy, of all participating political subdivisions, that is attributable to expenditures for park and recreational purposes in the year in which the district is authorized, or in the prior year — whichever is greater. Also in the year in which the district's initial levy is imposed, each sponsoring political subdivision must reduce its operating levy in an amount equal to its previous year's levy for park and recreational purposes, to the extent that those functions have been assumed by the district. The district's property tax levy rate may not exceed one mill on each dollar of the full value of taxable property in the district. Unless approved by the electors of a district at a referendum. The district must hold such a referendum at the first spring primary, spring election, September primary, general election, or special election held throughout the district that is held at least 45 days after the date on which the commission adopts a resolution to increase the levy rate in excess of one mill. The district may use the tax revenue only for park and recreational purposes.

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.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

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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 (5) of the statutes is amended to read:

2 5.02 (5) “General election” means the election held in even-numbered years on
3 the Tuesday after the first Monday in November to elect United States senators,
4 representatives in congress, presidential electors, state senators, representatives to
5 the assembly, district attorneys, state officers other than the state superintendent
6 and judicial officers, and county officers other than supervisors and county
7 executives, and in local park districts, to elect initial local park district
8 commissioners.

9 **SECTION 2.** 5.02 (21) of the statutes is amended to read:

10 5.02 (21) “Spring election” means the election held on the first Tuesday in April
11 to elect judicial, educational and municipal officers, nonpartisan county officers ~~and,~~
12 sewerage commissioners, and local park district commissioners.

13 **SECTION 3.** 5.15 (1) (c) of the statutes is amended to read:

14 5.15 (1) (c) The wards established by municipal governing bodies under this
15 section on the basis of the published results of each federal decennial census of
16 population shall govern the adjustment of supervisory districts under s. 59.10 (2) (a)
17 and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local
18 elections beginning on January 1 of the 2nd year commencing after the year of the
19 census until revised under this section on the basis of the results of the next
20 decennial census of population unless adjusted under sub. (2) (f) 4. or 5., (6) (a), or
21 (7), or unless adjusted, as a matter of statewide concern, in the enactment of

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1 legislative districts under article IV, section 3, of the constitution on the basis of the
2 most recent decennial census of population.

3 **SECTION 4.** 5.15 (2) (f) 5. of the statutes is created to read:

4 5.15 (2) (f) 5. That part of a local park district required to create an election
5 district under s. 27.161 (7) (b) 1. that has a population which is, as nearly as
6 practicable, equal to other election districts in the local park district.

7 **SECTION 5.** 5.58 (1u) of the statutes is created to read:

8 5.58 (1u) LOCAL PARK DISTRICT COMMISSIONERS. Except as authorized in s. 5.655,
9 there shall be a separate ballot for the election of commissioners of any local park
10 district. Arrangement of the names on the ballot shall be determined by the local
11 park district clerk in the same manner as provided under s. 5.60 (1) (b). The ballot
12 shall be entitled "Official Primary Ballot for Commissioner of the Park District."
13 The ballot shall also specify "At large" or "Election District " as required.

14 **SECTION 6.** 5.58 (3) of the statutes is amended to read:

15 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
16 for any judicial office, or for any elected seat on a metropolitan sewerage commission
17 or town sanitary district commission; in counties having a population of 500,000 or
18 more only 2 candidates for member of the board of supervisors within each district;,
19 in counties having a population of less than 500,000 only 2 candidates for each
20 member of the county board of supervisors from each district or numbered seat or
21 only 4 candidates for each 2 members of the county board of supervisors from each
22 district whenever 2 supervisors are elected to unnumbered seats from the same
23 district; in 1st class cities only 2 candidates for any at-large seat and only 2
24 candidates from any election district to be elected to the board of school directors;,
25 in school districts electing school board members to numbered seats, or pursuant to

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1 an apportionment plan or district representation plan, only 2 school board
2 candidates for each numbered seat or within each district;in a local park district,
3 twice as many candidates as are to be elected commissioner within each of the
4 election districts and from the district at large; and twice as many candidates as are
5 to be elected members of other school boards or other elective officers receiving the
6 highest number of votes at the primary shall be nominees for the office at the spring
7 election. Only their names shall appear on the official spring ballot.

8 **SECTION 7.** 5.60 (6u) of the statutes is created to read:

9 5.60 **(6u)** LOCAL PARK DISTRICT COMMISSION. Except as authorized in s. 5.655, a
10 separate ballot shall list the names of all candidates for commissioner of any local
11 park district. Arrangement of the names on the ballot shall be determined by the
12 local park district clerk in the manner provided under sub. (1) (b). The ballot shall
13 be entitled “Official Ballot for Commissioner of the Park District.” The ballot shall
14 also specify “At large” or “Election District ” as required.

15 **SECTION 8.** 5.68 (2) of the statutes is amended to read:

16 5.68 **(2)** Except as otherwise expressly provided, all costs for ballots, supplies,
17 notices, and any other materials necessary in preparing or conducting any election
18 shall be paid for by the county or municipality whose clerk or board of election
19 commissioners is responsible for providing them. If a ballot is prepared for a school,
20 technical college, sewerage or, sanitary, or local park district, the district shall pay
21 for the cost of the ballot. If no other level of government is involved in a school,
22 technical college, sewerage or, sanitary, or local park district election, the district
23 shall pay for all costs of the ballots, supplies, notices, and other materials. If ballots,
24 supplies, notices, or other materials are used for elections within more than one unit
25 of local government, the costs shall be proportionately divided between the units of

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1 local government involved in the election. In a 1st class city, all costs otherwise
2 attributable to a school district shall be paid by the city.

3 **SECTION 9.** 5.68 (3) of the statutes is amended to read:

4 5.68 (3) If voting machines are used or if an electronic voting system is used
5 in which all candidates and referenda appear on the same ballot, the ballots for all
6 national, state and county offices and for county and state referenda shall be
7 prepared and paid for by the county wherein they are used. If the voting machine
8 or electronic voting system ballot includes a municipal or a school, technical college,
9 sewerage, local park, or sanitary district ballot, the cost of that portion of the ballot
10 shall be reimbursed to the county or paid for by the municipality or district, except
11 as provided in a 1st class city school district under sub. (2).

12 **SECTION 10.** 7.10 (1) (a) of the statutes is amended to read:

13 7.10 (1) (a) Each county clerk shall provide ballots for every election in the
14 county for all national, state and county offices, including metropolitan sewerage
15 commission elections under s. 200.09 (11) (am), for municipal judges elected under
16 s. 755.01 (4), for a local park district commission whenever the local park district is
17 not coterminous with the boundaries of a single municipality, and for state and
18 county referenda. The official and sample ballots shall be prepared in substantially
19 the same form as those prescribed by the board under s. 7.08 (1) (a).

20 **SECTION 11.** 7.51 (3) (b) of the statutes is amended to read:

21 7.51 (3) (b) For ballots which relate only to municipal ~~or~~, school district, or local
22 park district offices or referenda, the inspectors, in lieu of par. (a), after counting the
23 ballots shall return them to the proper ballot boxes, lock the boxes, paste paper over
24 the slots, sign their names to the paper, and deliver them and the keys therefor to

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1 the municipal ~~or~~, school district, or local park district clerk. The clerk shall retain
2 the ballots until destruction is authorized under s. 7.23.

3 **SECTION 12.** 7.51 (3) (d) of the statutes is amended to read:

4 7.51 (3) (d) Except in municipalities where absentee ballots are canvassed
5 under s. 7.52, all absentee certificate envelopes which have been opened shall be
6 returned by the inspectors to the municipal clerk in a securely sealed carrier
7 envelope which is clearly marked “used absentee certificate envelopes”. The
8 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
9 the ballots are used in a municipal ~~or~~, school district, or local park district election
10 only, the municipal clerk shall transmit the used envelopes to the county clerk.

11 **SECTION 13.** 7.51 (4) (b) of the statutes is amended to read:

12 7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her,
13 immediately after the votes are tabulated or counted at each election, shall report
14 the returns of the election to the municipal clerk ~~or~~, to the school district clerk for
15 school district elections, except in 1st class cities, or to the local park district clerk
16 for local park district elections. The clerk shall then make the returns public.

17 **SECTION 14.** 7.51 (5) (a) 2., 3. and 5. and (b) of the statutes are amended to read:

18 7.51 (5) (a) 2. After recording the votes, the inspectors shall seal in a carrier
19 envelope outside the ballot bag or container one tally sheet and one poll list for
20 delivery to the county clerk, unless the election relates only to municipal ~~or~~, school
21 district, or local park district offices or referenda.

22 3. The inspectors shall also seal the inspectors’ statement inside a separate
23 carrier envelope, and shall similarly seal in a separate carrier envelope one tally
24 sheet and one poll list for delivery to the municipal clerk. For school district
25 elections, except in 1st class cities, the inspectors shall seal one tally sheet and one

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1 poll list for delivery to the school district clerk. For local park district elections, the
2 inspectors shall seal one tally sheet and one poll list for delivery to the local park
3 district clerk.

4 5. Upon receipt of the materials under subd. 4., the municipal clerk shall make
5 sufficient copies of the inspectors' statement under sub. (4) (a) and seal one copy of
6 the statement inside a carrier envelope together with the envelope containing any
7 materials required to be delivered to the county clerk ~~or~~, the school district clerk, or
8 the local park district clerk. The municipal clerk shall retain the original inspectors'
9 statement.

10 (b) The municipal clerk shall deliver all ballots, statements, tally sheets, lists,
11 and envelopes relating to a school district or local park district election to the school
12 district or local park district clerk, respectively by 4 p.m. on the day following each
13 such election. The municipal clerk shall deliver the ballots, statements, tally sheets,
14 lists, and envelopes for his or her municipality relating to any county, technical
15 college district, state, or national election to the county clerk no later than 4 p.m. on
16 the day following each such election or, in municipalities where absentee ballots are
17 canvassed under s. 7.52, by 4 p.m. on the 2nd day following each such election, and
18 no later than 4 p.m. on the day after receiving any corrected returns under s. 6.221
19 (6) (b). The person delivering the returns shall be paid out of the municipal treasury.
20 Each clerk shall retain ballots, statements, tally sheets, or envelopes received by the
21 clerk until destruction is authorized under s. 7.23 (1).

22 **SECTION 15.** 7.53 (3m) of the statutes is created to read:

23 7.53 (3m) LOCAL PARK DISTRICT ELECTIONS. The local park district clerk shall
24 appoint 2 qualified electors of the district prior to the date of the election being
25 canvassed, who shall, with the clerk, constitute the local park district board of

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1 canvassers. The clerk shall appoint another qualified elector of the district to fill any
2 vacancy on the board of canvassers. If the clerk's office is vacant or the clerk cannot
3 perform his or her duties, the chairperson of the local park district commission shall
4 designate another qualified elector of the district to serve in lieu of the clerk. The
5 canvass shall begin as soon as possible after receipt of the returns and shall continue,
6 without adjournment, until completed. The board of canvassers may return
7 defective returns to the municipal board of canvassers in the manner provided in s.
8 7.60 (3). The board of canvassers shall prepare a written statement showing the
9 numbers of votes cast for each person for each office and shall prepare a
10 determination showing the names of the persons who are elected to the local park
11 district commission. Following each primary election, the board of canvassers shall
12 prepare a statement certifying the names of the persons who have won nomination
13 to the local park district commission. Each statement and determination shall be
14 attested by each of the canvassers. The board of canvassers shall file each statement
15 and determination in the local park district office.

16 **SECTION 16.** 8.10 (3) (kw) of the statutes is created to read:

17 8.10 (3) (kw) For commissioners of local park districts who are elected at large,
18 not less than 40 nor more than 200 electors, and for commissioners of local park
19 districts who are elected from election districts, not less than 200 nor more than 400
20 electors in local park districts of 500,000 population or more, and not less than 20 nor
21 more than 100 electors in districts of less than 500,000 population.

22 **SECTION 17.** 8.10 (6) (e) of the statutes is created to read:

23 8.10 (6) (e) For members of the local park district commission, with the local
24 park district clerk.

25 **SECTION 18.** 8.11 (2f) of the statutes is created to read:

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1 8.11 (2f) LOCAL PARK DISTRICT COMMISSION. A primary shall be held in a local
2 park district whenever there are more than twice the number of candidates to be
3 elected members of the local park district commission at large or from any election
4 district.

5 **SECTION 19.** 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 district or election district thereof; or of any prosecutorial unit may petition for the
9 recall of any incumbent elective official by filing a petition with the same official or
10 agency with whom nomination papers or declarations of candidacy for the office are
11 filed demanding the recall of the officeholder.

12 **SECTION 20.** 9.10 (2) (d) of the statutes is amended to read:

13 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
14 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
15 filing officer with whom the petition is filed. The petitioner shall append to the
16 registration a statement indicating his or her intent to circulate a recall petition, the
17 name of the officer for whom recall is sought and, in the case of a petition for the recall
18 of a city, village, town, local park district, or school district officer, a statement of a
19 reason for the recall which is related to the official responsibilities of the official for
20 whom removal is sought. No petitioner may circulate a petition for the recall of an
21 officer prior to completing registration. The last date ~~that~~ on which a petition for the
22 recall of an officer may be offered for filing is 5 p.m. on the 60th day commencing after
23 registration. After the recall petition has been offered for filing, no name may be
24 added or removed. No signature may be counted unless the date of the signature is
25 within the period provided in this paragraph.

SENATE BILL 248**SECTION 21**

1 **SECTION 21.** 9.10 (3) (a) of the statutes is amended to read:

2 9.10 (3) (a) This subsection applies to the recall of all elective officials other
3 than city, village, town, local park district, and school district officials. City, village,
4 town, local park district, and school district officials are recalled under sub. (4).

5 **SECTION 22.** 9.10 (4) (a) of the statutes is amended to read:

6 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
7 local park district, or school district official, is offered for filing, the officer against
8 whom the petition is filed may file a written challenge with the ~~municipal clerk or~~
9 ~~board of election commissioners or school district clerk~~ official or agency with whom
10 it the petition is filed, specifying any alleged insufficiency. If a challenge is filed, the
11 petitioner may file a written rebuttal to the challenge with the ~~clerk or board of~~
12 ~~election commissioners~~ official or agency within 5 days after the challenge is filed.
13 If a rebuttal is filed, the officer against whom the petition is filed may file a reply to
14 any new matter raised in the rebuttal within 2 days after the rebuttal is filed. Within
15 14 days after the expiration of the time allowed for filing a reply to a rebuttal, the
16 ~~clerk or board of election commissioners~~ official or agency shall file the certificate or
17 an amended certificate. Within 31 days after the petition is offered for filing, the
18 ~~clerk or board of election commissioners~~ official or agency shall determine by careful
19 examination of the face of the petition whether the petition is sufficient and shall so
20 state in a certificate issued by the official or agency and attached to the petition. If
21 the petition is found to be insufficient, the certificate shall state the particulars
22 creating the insufficiency. The petition may be amended to correct any insufficiency
23 within 5 days following the affixing of the original certificate. Within 2 days after
24 the offering of the amended petition for filing, the ~~clerk or board of election~~
25 ~~commissioners~~ official or agency shall again carefully examine the face of the petition

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1 to determine sufficiency and shall attach to the petition a certificate stating the
2 findings. Immediately upon finding an original or amended petition sufficient,
3 except in cities over 500,000 population, ~~the municipal clerk or school district clerk~~
4 and except with regard to a commissioner of a local park district, the official shall
5 transmit the petition to the governing body or to the school board. Immediately
6 Except with regard to a commissioner of a local park district, immediately upon
7 finding an original or amended petition sufficient, in cities over 500,000 population,
8 the board of election commissioners shall file the petition in its office. Immediately
9 upon finding an original or amended petition sufficient, with regard to a member of
10 the local park district commission, the local park district clerk shall file the petition
11 in his or her office and shall transmit a copy of the petition to the governing body of
12 each city, village, and town that has territory within the jurisdiction of the local park
13 district.

14 **SECTION 23.** 9.10 (4) (d) of the statutes is amended to read:

15 9.10 (4) (d) Promptly upon receipt of a certificate or copy of the certificate issued
16 under par. (a), the governing body, school board, or board of election commissioners
17 shall call a recall election. The recall election shall be held on the Tuesday of the 6th
18 week commencing after the date on which the certificate is filed, except that if
19 Tuesday is a legal holiday the recall election shall be held on the first day after
20 Tuesday which is not a legal holiday.

21 **SECTION 24.** 9.10 (7) of the statutes is amended to read:

22 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
23 article XIII, section 12, of the constitution and to extend the same rights to electors
24 of cities, villages, towns, local park districts, and school districts.

25 **SECTION 25.** 10.05 of the statutes is amended to read:

SENATE BILL 248**SECTION 25**

1 **10.05 Posting of notice.** Unless specifically designated elsewhere, this
2 section applies to villages, towns ~~and,~~ school districts, and local park districts.
3 Whenever a notice is required to be published, a village, town ~~or,~~ school district, or
4 local park district may post 3 notices in lieu of publication under ch. 985 whenever
5 there is not a newspaper published within the village, town ~~or,~~ school district, or local
6 park district or whenever the governing body of the village, town ~~or,~~ school district,
7 or local park district chooses to post in order to supplement notice provided in a
8 newspaper. Whenever the manner of giving notice is changed by the governing body,
9 the body shall give notice of the change in the manner used before the change.
10 Whenever posting is used, the notices shall be posted no later than the day prescribed
11 by law for publication, ~~or,~~ if that day falls within the week preceding the election to
12 be noticed, at least one week before the election. All notices given for the same
13 election shall be given in the same manner.

14 **SECTION 26.** 10.07 (1) of the statutes is amended to read:

15 10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots,
16 whenever any county clerk ~~or,~~ any local park district clerk, and one or more
17 municipal or school district clerks within the same county are directed to publish any
18 notice or portion of a notice under this chapter on the same date in the same
19 newspaper, the text of which is identical, the clerks may publish one notice only. The
20 cost of publication of such notice or the portion of the notice required shall be
21 apportioned equally between the county and each municipality ~~or,~~ school district, or
22 local park district sharing in its publication.

23 **SECTION 27.** 11.02 (8) of the statutes is created to read:

24 11.02 (8) If the jurisdiction under sub. (3) is a local park district, the
25 appropriate clerk is the local park district clerk.

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1 **SECTION 28.** 11.26 (1) (d) 2. of the statutes is amended to read:

2 11.26 (1) (d) 2. One cent times the number of inhabitants of the jurisdiction ~~or,~~
3 district, or election district, according to the latest federal census or the census
4 information on which the district is based, as certified by the appropriate filing
5 officer, but not more than \$3,000.

6 **SECTION 29.** 11.26 (2) (e) 2. of the statutes is amended to read:

7 11.26 (2) (e) 2. Three-fourths of one cent times the number of inhabitants of
8 the jurisdiction ~~or,~~ district, or election district, according to the latest federal census
9 or the census information on which the district is based, as certified by the
10 appropriate filing officer, but not more than \$2,500.

11 **SECTION 30.** 11.31 (1) (h) (intro.) of the statutes is amended to read:

12 11.31 (1) (h) (intro.) Candidates for any local office, who are elected from a
13 jurisdiction ~~or,~~ district, or election district with less than 500,000 inhabitants
14 according to the latest federal census or census information on which the district is
15 based, as certified by the appropriate filing officer, an amount equal to the greater
16 of the following:

17 **SECTION 31.** 17.01 (11m) of the statutes is created to read:

18 17.01 (11m) By a commissioner of a local park district, to the local park district
19 commission. The local park district commission shall immediately give a copy of each
20 resignation under this subsection to the clerk or board of election commissioners of
21 each municipality that has territory within the jurisdiction of the district.

22 **SECTION 32.** 17.13 (intro.) of the statutes is amended to read:

23 **17.13 Removal of village, town, town sanitary district, school district,**
24 **technical college and family care district, and local park district officers.**

25 (intro.) Officers of towns, town sanitary districts, villages, school districts, technical

SENATE BILL 248**SECTION 32**

1 college districts and, family care districts, and local park districts may be removed
2 as follows:

3 **SECTION 33.** 17.13 (3) of the statutes is amended to read:

4 17.13 (3) ALL OFFICERS. Any village, town, town sanitary district, school district
5 or, technical college district, or local park district officer, elective or appointive,
6 including those embraced within subs. (1) and (2), by ~~the~~ a judge of the circuit court
7 of ~~the~~ a circuit wherein the village, town, town sanitary district, school district or,
8 technical college district, or local park district is situated, for cause.

9 **SECTION 34.** 17.27 (1f) of the statutes is created to read:

10 17.27 (1f) LOCAL PARK DISTRICT COMMISSION. Except as provided in s. 9.10, a
11 vacancy in the office of commissioner of a local park district may be filled for the
12 residue of the unexpired term by temporary appointment of the remaining members
13 of the local park district commission. If the vacancy occurs in any year after the first
14 Tuesday in April and on or before December 1, the vacancy shall be filled for the
15 residue of the unexpired term, if any, at the next spring election. If the vacancy
16 occurs in any year after December 1 or on or before the first Tuesday in April, the
17 vacancy shall be filled for the residue of the unexpired term, if any, at the 2nd
18 succeeding spring election.

19 **SECTION 35.** 20.370 (5) (cr) of the statutes is amended to read:

20 20.370 (5) (cr) *Recreation aids — county snowmobile trail and area aids.* As
21 a continuing appropriation, the amounts in the schedule from the snowmobile
22 account in the conservation fund to provide state aid to counties and local park
23 districts, as defined in s. 350.01 (2m), for snowmobile trails, facilities, and areas
24 consistent with the requirements of ss. 23.09 (26) and 350.12 (4) (b).

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1 **SECTION 36.** 20.370 (5) (ct) of the statutes, as affected by 2005 Wisconsin Act
2 25 by section 247c, is amended to read:

3 20.370 (5) (ct) *Recreation aids — all-terrain vehicle project aids; gas tax*
4 *payment.* As a continuing appropriation, the sum of an amount equal to the
5 estimated all-terrain vehicle gas tax payment and an amount equal to the amount
6 lapsed to the conservation fund on July 1, 2005, from the appropriation account
7 under s. 20.370 (5) (cv), 2003 stats., to provide aid to towns, villages, cities, counties,
8 local park districts, as defined in s. 23.33 (1) (im), and federal agencies for nonstate
9 all-terrain vehicle projects.

10 **SECTION 37.** 20.370 (5) (ct) of the statutes, as affected by 2005 Wisconsin Act
11 25 by section 247g and 2005 Wisconsin Act (this act), is amended to read:

12 20.370 (5) (ct) *Recreation aids — all-terrain vehicle project aids; gas tax*
13 *payment.* As a continuing appropriation, an amount equal to the estimated
14 all-terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties,
15 local park districts, as defined in s. 23.33 (1) (im), and federal agencies for nonstate
16 all-terrain vehicle projects.

17 **SECTION 38.** 20.370 (5) (cu) of the statutes is amended to read:

18 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
19 continuing appropriation, the amounts in the schedule from moneys received from
20 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,
21 villages, cities, counties, local park districts, as defined in s. 23.33 (1m), and federal
22 agencies for nonstate all-terrain vehicle projects.

23 **SECTION 39.** 23.09 (19) (a) 2. of the statutes is amended to read:

24 23.09 (19) (a) 2. “Governmental unit” means a city, a village, a town, a county,
25 a local park district created under s. 27.161, a lake sanitary district, as defined in s.

SENATE BILL 248**SECTION 39**

1 30.50 (4q), a public inland lake protection and rehabilitation district, or the Kickapoo
2 reserve management board.

3 **SECTION 40.** 23.09 (20) (ab) 2. of the statutes is amended to read:

4 23.09 (20) (ab) 2. “Municipality” means a city, a village, a town or, a county, or
5 a local park district created under s. 27.161.

6 **SECTION 41.** 23.09 (20m) (a) 1. of the statutes is amended to read:

7 23.09 (20m) (a) 1. “Governmental unit” means a city, a village, a town, a county,
8 a local park district created under s. 27.161, or the Kickapoo reserve management
9 board.

10 **SECTION 42.** 23.09 (26) (title) of the statutes is amended to read:

11 23.09 (26) (title) ~~AIDS TO COUNTIES~~ COUNTY AND PARK DISTRICT AID FOR
12 SNOWMOBILE PURPOSES.

13 **SECTION 43.** 23.09 (26) (a) of the statutes is renumbered 23.09 (26) (g) and
14 amended to read:

15 23.09 (26) (g) ~~The procedures in sub. (11) (a), (d), (e) and (f) shall apply to this~~
16 ~~subsection except that the~~ The department shall consult with the snowmobile
17 recreational council before adopting snowmobile trail construction standards, ~~the~~
18 ~~restriction in sub. (11) (a) as to county lands is not applicable, the restriction in sub.~~
19 ~~(11) (d) as to encumbrance of funds is not applicable and the restriction in sub. (11)~~
20 ~~(e) as to requests for state aids exceeding available funds is not applicable.~~

21 **SECTION 44.** 23.09 (26) (ac) of the statutes is created to read:

22 23.09 (26) (ac) In this subsection:

23 1. “Local park district” has the meaning given in s. 350.01 (2m).

24 2. “Facility” means a parking area, shelter, or toilet.

25 **SECTION 45.** 23.09 (26) (am) (intro.) of the statutes is amended to read:

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1 23.09 (26) (am) (intro.) Counties and local park districts may receive aids under
2 this subsection distributed in accordance with s. 350.12 (4) to do any of the following:

3 **SECTION 46.** 23.09 (26) (am) 1. of the statutes is amended to read:

4 23.09 (26) (am) 1. Purchase lands or secure easements, leases, permits, or other
5 appropriate agreements, written or oral, permitting use of private property for
6 snowmobile trails, facilities, and areas, if such the easements, leases, permits, or
7 other agreements provide public access to the trail, facility, or area. No lands
8 purchased or leases, easements, permits, or agreements secured under authority of
9 this section subsection may be acquired by ~~the county~~ through condemnation.
10 Counties and local park districts shall certify to the department that ~~such~~ the lands,
11 easements, leases, permits, or other appropriate agreements have been secured.
12 However, when bridges, culverts, ~~toilet facilities, parking lots or shelters~~ or facilities
13 are to be constructed under this section subsection and the improvements are
14 estimated to cost in excess of \$3,000, the land underlying such these improvements
15 must be purchased by the county or local park district or secured by the county or
16 local park district by written easements or leases having a term of not less than 3
17 years.

18 **SECTION 47.** 23.09 (26) (am) 3. of the statutes is amended to read:

19 23.09 (26) (am) 3. Develop and maintain snowmobile trails, facilities, and areas
20 on public lands designated by the county board ~~or trails or areas under subd. 1. or~~
21 ~~2~~ or by the local park district.

22 **SECTION 48.** 23.09 (26) (am) 3m. of the statutes is created to read:

23 23.09 (26) (am) 3m. Develop and maintain snowmobile trails, facilities, and
24 areas under subd. 1. or 2.

25 **SECTION 49.** 23.09 (26) (am) 4. of the statutes is repealed.

SENATE BILL 248**SECTION 50**

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

2 23.09 **(26)** (ar) Counties may receive aids under this subsection distributed in
3 accordance with s. 350.12 (4) to enforce laws in and on snowmobile trails, facilities,
4 and areas.

5 **SECTION 51.** 23.09 (26) (b) of the statutes is amended to read:

6 23.09 **(26)** (b) ~~The county board of any county, which, by resolution, indicates~~
7 ~~its desire~~ Any county or any local park district that wishes to receive aids under this
8 subsection shall apply to the department on forms prescribed by the department and
9 submit required documentation as ~~set forth~~ promulgated by rule on or before April
10 15, ~~beginning in 1978~~ of each year. A decision on an aid application shall be made
11 by the department on or before the following July 1, ~~beginning in 1978~~.

12 **SECTION 52.** 23.09 (26) (bg) of the statutes is created to read:

13 23.09 **(26)** (bg) The department shall review the aid application as it considers
14 necessary to determine whether the approval of the application will best serve the
15 public interest and need. In making its decision, the department shall give careful
16 consideration to whether the proposal is an integral part of an official comprehensive
17 land and water use plan for the area as well as the relationship of the proposal to
18 similar proposals on other public lands.

19 **SECTION 53.** 23.09 (26) (d) of the statutes is amended to read:

20 23.09 **(26)** (d) Distribution of snowmobile trail development funds shall be
21 limited to trails which provide a primary access route through one county and
22 connect with another county's trails, provide access from population centers to main
23 access trails or support a high volume of use. Counties and local park districts
24 applying for aid for snowmobile trail development shall identify the type of trail for
25 which aid is being sought on the forms under par. (b).

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1 **SECTION 54.** 23.09 (26) (h) of the statutes is created to read:

2 23.09 **(26)** (h) Trails, areas, facilities, or other structures for which aid granted
3 under this subsection is provided may not be converted to uses that are inconsistent
4 with the purposes of this subsection without the approval of the department. The
5 department shall not grant approval unless there is evidence that these uses are
6 essential to and in accordance with an official comprehensive land and water use
7 plan for the area. The department shall require that the proceeds from the sale or
8 other disposal of trails, areas, facilities, or other structures for which aid is provided
9 under this subsection be used to further the purposes of this subsection.

10 **SECTION 55.** 23.175 (1) (a) of the statutes is amended to read:

11 23.175 **(1)** (a) “Political subdivision” means a city, a village, a town or, a county,
12 or a local park district created under s. 27.161.

13 **SECTION 56.** 23.305 (1) (intro.) of the statutes is amended to read:

14 23.305 **(1)** (intro.) In this section, ~~“spectator sports”;~~

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

18 **SECTION 57.** 23.305 (1) (a) to (i) of the statutes are renumbered 23.305 (1) (bm)
19 1. to 9.

20 **SECTION 58.** 23.305 (1) (am) of the statutes is created to read:

21 23.305 **(1)** (am) “Local park district” means a local park district created under
22 s. 27.161 but not with the participation of any city.

23 **SECTION 59.** 23.305 (2) of the statutes is amended to read:

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1 23.305 (2) Notwithstanding ss. 23.30 and 28.04, the department may lease
2 state park land or state forest land to towns, villages ~~or~~, counties, or local park
3 districts for outdoor recreational purposes associated with spectator sports.

4 **SECTION 60.** 23.33 (1) (im) of the statutes is created to read:

5 23.33 (1) (im) “Local park district” means a local park district created under
6 s. 27.161.

7 **SECTION 61.** 23.33 (8) (c) of the statutes is amended to read:

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

12 **SECTION 62.** 23.33 (9) (c) of the statutes is amended to read:

13 23.33 (9) (c) *Signs.* In addition to the projects listed in par. (b), the department
14 may provide aid under this subsection to a town, village, city ~~or~~, county, or local park
15 district for up to 100% 100 percent of the cost of placing signs developed under sub.
16 (4z) (a) 2.

17 **SECTION 63.** 23.33 (11) (a) of the statutes is amended to read:

18 23.33 (11) (a) ~~Counties, towns, cities and villages~~ A county, city, town, or village
19 may enact ordinances regulating all-terrain vehicles on all-terrain vehicle trails
20 ~~maintained by or on all-terrain vehicle routes designated by~~ under the jurisdiction
21 of the county, city, town, or village.

22 **SECTION 64.** 25.50 (1) (d) of the statutes is amended to read:

23 25.50 (1) (d) “Local government” means any county, town, village, city, power
24 district, sewerage district, drainage district, town sanitary district, public inland
25 lake protection and rehabilitation district, local professional baseball park district

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1 created under subch. III of ch. 229, family care district under s. 46.2895, local
2 professional football stadium district created under subch. IV of ch. 229, local
3 cultural arts district created under subch. V of ch. 229, local park district created
4 under s. 27.161, public library system, school district or technical college district in
5 this state, any commission, committee, board, or officer of any governmental
6 subdivision of this state, any court of this state, other than the court of appeals or the
7 supreme court, or any authority created under s. 114.61, 231.02, 233.02, or 234.02.

8 **SECTION 65.** 27.01 (3) of the statutes is amended to read:

9 27.01 (3) TRANSFER OF STATE PARK LAND TO MUNICIPALITIES. The department may
10 not transfer the ownership of any state park or land within any state park to any
11 county, city, village or, town, county, or local park district created under s. 27.161
12 unless it the department receives the approval of the joint committee on finance
13 regarding the appropriate level of reimbursement to be received by the state to
14 reflect the state's cost in acquiring and developing the state park or land within the
15 state park.

16 **SECTION 66.** 27.02 (1) of the statutes is amended to read:

17 27.02 (1) Except as provided under sub. (2) and except in counties that are part
18 of a local park district created under s. 27.161, in every county with a population of
19 at least 150,000, but less than 500,000, and in any other county with a population
20 of less than 150,000 wherein the county board has by resolution provided for a county
21 park commission subject to ss. 27.02 to 27.06, the chairperson of the county board
22 shall appoint a county park commission consisting of 7 members, any number of
23 which may be members of the county board. The appointments shall be made in
24 writing and filed in the office of the county clerk. The term of each member, except
25 county board members, is 7 years following July 1 of the year in which the

SENATE BILL 248**SECTION 66**

1 appointment is made and until the appointment and qualification of a successor,
2 except that the first 7 members shall be appointed respectively for such terms that
3 on July 1 in each of the 7 years following the year in which they are appointed the
4 term of one member will expire. After the original appointments one commissioner
5 shall be appointed annually in the month of June to succeed the member whose term
6 will expire on July 1 following, except that in counties with a population of at least
7 150,000 but less than 500,000 the members shall be elected by the county board of
8 supervisors. The term of any park commissioner appointed to the commission while
9 serving as a county board member shall end when the commissioner's membership
10 on the county board terminates, unless thereafter reappointed to the commission.

11 **SECTION 67.** 27.03 (2) of the statutes is amended to read:

12 27.03 (2) In any county with a county executive or a county administrator, other
13 than in a county that is part of a local park district created under s. 27.161, the county
14 executive or county administrator shall appoint and supervise a general manager of
15 the park system. The appointment shall be subject to confirmation by the county
16 board unless the county board, by ordinance, elects to waive confirmation or unless
17 the appointment is made under a civil service system competitive examination
18 procedure established under s. 59.52 (8) or ch. 63. In any county with a population
19 of 500,000 or more, the general manager of the park system shall be in the
20 unclassified civil service and is subject to confirmation by the county board unless
21 the county board, by ordinance, elects to waive confirmation.

22 **SECTION 68.** 27.05 (intro.) of the statutes is amended to read:

23 **27.05 Powers of commission or general manager.** (intro.) The Except in
24 a county that is part of a local park district created under s. 27.161, the county park
25 commission, or the general manager in counties with a county executive or county

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1 administrator, shall have charge and supervision of all county parks and all lands
2 acquired by the county for park or reservation purposes. The county park
3 commission or general manager, subject to the general supervision of the county
4 board and regulations prescribed by the county board, except as provided under s.
5 27.03 (2), may do any of the following:

6 **SECTION 69.** 27.06 of the statutes is amended to read:

7 **27.06 Mill-tax appropriation.** The Except in a county that is part of a local
8 park district created under s. 27.161, the county board may annually, at the same
9 time that other county taxes are levied, levy a tax upon the taxable property of such
10 county for the purchase of land and the payment of expenses incurred in carrying on
11 the work of the park commission. In every county having a population of 500,000 or
12 more, the county park commission shall be subject to s. 59.60.

13 **SECTION 70.** 27.075 (1) of the statutes is amended to read:

14 27.075 (1) The Except in a county that is part of a local park district created
15 under s. 27.161, the county board of any county with a population of less than 500,000
16 is hereby vested with all powers of a local, legislative, and administrative character
17 for the purpose of governing, managing, controlling, improving, and caring for public
18 parks, parkways, boulevards, and pleasure drives; and to carry out these powers in
19 districts which it may create for different purposes, or throughout the county, and for
20 such purposes to levy county taxes, to issue bonds, assessment certificates, and
21 improvement bonds, or any other evidence of indebtedness. The powers hereby
22 conferred under this section may be exercised by the county board in any ~~town, city~~
23 ~~or village~~ city, village, or town, or part thereof located in ~~such~~ the county upon the
24 request of any such ~~town, city or village~~ city, village, or town, evidenced by a
25 resolution adopted by a majority vote of the members-elect of its governing body,

SENATE BILL 248**SECTION 70**

1 designating the particular park function, duty, or act, and the terms, if any, upon
2 which the same shall be exercised by the county board. ~~Such~~ The resolution shall
3 state whether the authority or function is to be exercised exclusively by the county
4 or jointly by the county and the ~~town, city or village~~ city, village, or town, and shall
5 also state that the exercise of ~~such~~ the power by the county is in the public interest.
6 Upon the receipt of the resolution, the county board may, by a resolution adopted by
7 a majority vote of its membership, elect to assume the exercise of ~~such~~ the authority
8 or function, upon the terms and conditions set forth in the resolution presented by
9 the ~~town, city or village~~ city, village, or town. A city, village, or town that wishes to
10 create or participate in a local park district under s. 27.161, or terminate its
11 participation with a county under s. 27.161 (1) (a) 4., may negotiate the termination
12 of any agreement entered into with a county under this subsection.

13 **SECTION 71.** 27.075 (2) of the statutes is amended to read:

14 27.075 (2) The county board of any ~~such~~ county, or the commission of a local
15 park district created under s. 27.161, may, by a resolution adopted by a majority of
16 its membership, propose to the ~~towns, cities and villages~~ cities, villages, and towns
17 located in ~~such~~ the county, or any of them, that it offers to exercise ~~such~~ the powers
18 and functions therein ~~in order~~ that are necessary to consolidate municipal park
19 services and functions in ~~said~~ the county. ~~Such~~ The resolution shall designate the
20 particular function, duty, or act and the terms and conditions, if any, upon which the
21 county board or district will perform the same. The powers conferred in sub. (1) and
22 designated in ~~such~~ the resolution may ~~thereafter~~ be exercised by the county board,
23 or commission, in each ~~such~~ town, city or village which shall accept such city, village,
24 or town which accepts the proposal by the adoption of a resolution by a majority vote
25 of the members-elect of its governing body, except that no governing body may accept

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1 any proposal described under this subsection unless it contains a provision under
2 which the city, village, or town may terminate its agreement with the county or the
3 district so that the city, village, or town may create or participate in a local park
4 district under s. 27.161.

5 **SECTION 72.** 27.075 (3) of the statutes is amended to read:

6 27.075 (3) After the adoption of resolutions by the county board, ~~the county~~
7 ~~board shall have full power to~~ or the commission as defined in s. 27.16 (2), the board
8 or commission may legislate upon and administer the entire subject matter
9 committed to it, ~~and among other things, to~~ and may determine, where not otherwise
10 provided by law, the manner of exercising the power thus assumed. No county may
11 exercise any power under this section in a local park district created under s. 27.161.

12 **SECTION 73.** 27.075 (4) of the statutes is amended to read:

13 27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter
14 into necessary contracts with the county, ~~or the district as defined in s. 27.16 (4), and~~
15 appropriate money to pay the county ~~or the district,~~ for the reasonable expenses
16 incurred in rendering the park services assumed. ~~Such~~ The contract shall also
17 provide a procedure for the termination of the contract by any city, village, or town
18 that wishes to create or participate in a local park district under s. 27.161. The
19 expenses may be certified, returned, and paid as are other county charges, and, in
20 the case of services performed pursuant to under a proposal for the consolidation
21 thereof of municipal park services initiated by the county board ~~or district~~ and made
22 available to each ~~town, city and village~~ city, village, and town in the county on the
23 same terms, the expenses thereof shall be certified, returned, and paid as county
24 charges; but in the event that ~~each and every town, city and village~~ if every city,
25 village, and town in the county ~~shall accept such~~ accepts the proposal of the county

SENATE BILL 248**SECTION 73**

1 board or district the expenses thereof shall be paid by county or district taxes to be
2 levied and collected as are other taxes for county purposes. ~~Said towns, cities and~~
3 ~~villages are vested with all necessary power to do the things herein required, and to~~
4 ~~do all things and to exercise or relinquish any of the powers herein provided or~~
5 ~~contemplated.~~ The procedure herein provided in this section for the request or
6 acceptance of the exercise of the powers conferred on the county board or district
7 commission in cities and villages is hereby ~~prescribed~~ as a special method of
8 determining the local affairs and government of such cities and villages pursuant to
9 article XI, section 3, of the constitution.

10 **SECTION 74.** 27.08 (1) of the statutes is amended to read:

11 27.08 (1) Every city that is not part of a local park district created under s.
12 27.161 may by ordinance create a board of park commissioners subject to this section,
13 or otherwise as provided by ordinance. ~~Such, and if the city has a board of park~~
14 ~~commissioners the city shall terminate that board and end the board's authority~~
15 ~~under this section upon the city's creation of or participation in a local park district~~
16 ~~under s. 27.161. The board shall be organized as directed by the common council~~
17 ~~shall provide.~~

18 **SECTION 75.** 27.08 (3) of the statutes is amended to read:

19 27.08 (3) ~~In any city having no~~ If a city does not have a board of park
20 ~~commissioners its~~ and is not part of a local park district created under s. 27.161, the
21 city's public parks, parkways, boulevards, and pleasure drives shall be under the
22 charge of its board of public works, if it has such last named board; otherwise or, if
23 it does not have such a board, under the charge of its common council. When so in
24 charge, the board of public works or the common council may exercise all of the
25 powers of a board of park commissioners. Upon a city's creation of or participation

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1 in a local park district under s. 27.161, the city's board of public works or common
2 council may not exercise any authority under this section.

3 **SECTION 76.** 27.16 of the statutes is created to read:

4 **27.16 Local park districts; definitions.** In ss. 27.16 to 27.165:

5 (1) "Chief executive officer" means, as to a sponsoring political subdivision or
6 as to a municipality or county that is wholly within the jurisdiction of a district, the
7 mayor or city manager of a city, the village president of a village, the town board
8 chairperson of a town, the county executive of a county or, if the county does not have
9 a county executive, the chairperson of the county board.

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

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

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

14 (5) "Enabling resolution" means a resolution, or an amendment of a resolution,
15 adopted by the governing body of a municipality or county and signed by the chief
16 executive officer to create a district.

17 (6) "Municipality" means a city, village, or town.

18 (7) "Park facilities" means a public park, including improvements, that is
19 owned by a district, or a public park, including improvements, that is owned by a
20 municipality or a county, but is under the management and control of a district, or
21 both.

22 (8) "Political subdivision" means a municipality or county.

23 (9) "Regular election" means an election that is described in s. 5.02 (5), (18),
24 (21), or (22).

25 (10) "Sponsoring political subdivision" means any of the following:

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1 (a) A municipality that creates a district on its own or in combination with
2 another municipality or county.

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

5 **SECTION 77.** 27.161 of the statutes is created to read:

6 **27.161 Local park districts; creation, organization, and**
7 **administration.** (1) Subject to sub. (5), one or more political subdivisions may
8 provide for the creation of a special purpose district that is a unit of government, that
9 is a body corporate and politic, that is separate and distinct from, and independent
10 of, the state and the sponsoring political subdivisions, and that has the powers under
11 s. 27.163, if the sponsoring political subdivisions do all of the following:

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

14 1. Declares the need for establishing the district.

15 2. Contains findings of public purpose.

16 3. Contains a description of the boundaries of the proposed district.

17 4. If the sponsoring political subdivision is a municipality, declares an intention
18 to negotiate with a county the termination of any agreement entered into under s.
19 27.075 (1), (2), or (4).

20 5. Except in counties having a population of 500,000 or more, the number of
21 commissioners, which shall be at least 3 but not more than 9, and the number of those
22 commissioners who will be elected at large and the number of those commissioners
23 who will be elected from election districts.

24 6. If the sponsoring political subdivision is a county, declare an intention to
25 negotiate with each municipality that is subject to an agreement or contract with the

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1 county under s. 27.075 (1), (2), or (4) the termination of any such agreements or
2 contracts, or negotiate an agreement under which each such municipality may
3 remain as a party to the agreement or contract knowing that the district will assume
4 the county's responsibility under the agreement or contract.

5 7. If the sponsoring political subdivision is a county, declare an intention to
6 separate its local park commission or local park department from the county as part
7 of the process of creating a district.

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 one or more political
11 subdivisions. Each sponsoring political subdivision shall be identified in a
12 substantially similar enabling resolution that is adopted by the governing body of
13 each sponsoring political subdivision within a 90-day period beginning with the date
14 of adoption of the first enabling resolution.

15 **(3)** The creation of a district may also be provided for, subject to subs. (4) and
16 (5), by referendum if a petition requesting the creation of a district is filed in
17 accordance with this subsection and the question is approved by a majority of the
18 electors of each of the political subdivisions where park facilities are to be included
19 in the proposed district. The petition shall conform to the following requirements:

20 (a) The petition shall be in the form specified in s. 8.40, shall specify each
21 political subdivision whose park facilities are to be included in the proposed district,
22 and shall contain a description and scale map of the proposed district.

23 (b) Except in counties having a population of 500,000 or more, the petition shall
24 specify the number of commissioners, and the number of those commissioners who

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1 will be elected at large and the number of those commissioners who will be elected
2 from election districts.

3 (c) The petition may be circulated on or after January 1 of any year and may
4 be filed not later than 5 p.m. on the 3rd Tuesday in February.

5 (d) The petition shall be signed by at least 100 qualified electors residing in
6 each political subdivision whose park facilities are to be included in the proposed
7 district.

8 (e) The petition shall be filed with the clerk of each political subdivision whose
9 park facilities are to be included in the proposed district.

10 (4) If all of the steps in sub. (3) occur, each political subdivision in which a
11 petition containing the requisite number of signatures are submitted to the clerk
12 shall hold a referendum at the next succeeding spring election. The referendum
13 question shall be substantially as follows: “Shall a local park district, the territory
14 of which includes in whole the [name of municipality or county], be created?”
15 Subject to sub. (5), if the question submitted at the referendum is approved by a
16 majority of the electors who vote in the referendum in at least one political
17 subdivision, a special purpose district that is a unit of government, that is a body
18 corporate and politic, that is separate and distinct from, and independent of, the
19 state and each political subdivision, and that has the powers under s. 27.163 is
20 created, the boundaries of which include each political subdivision in which the
21 question is approved. If a referendum question is not approved in at least one
22 political subdivision, no district may be created.

23 (5) (a) A district is created on January 1 following the date on which all of the
24 following occur:

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1 1. An enabling resolution is adopted in one or more political subdivisions under
2 sub. (1), or a referendum question is approved in one or more political subdivisions
3 under sub. (4).

4 2. The initial commissioners are elected under sub. (7) (a) 4. and assume office.

5 (b) Before a district is created, the governing bodies of each political subdivision
6 that has adopted a resolution under sub. (1) or in which a referendum question has
7 been approved under sub. (4) shall adopt a resolution or enact an ordinance, which
8 shall become effective not later than September 1 following the date on which the
9 resolution under sub. (1) or the referendum question is approved, that contains an
10 agreement among each of the governing bodies which addresses at least all of the
11 following provisions:

12 1. A method to transfer title of the county or municipal facilities within their
13 individual jurisdictions to the district and a description of any restrictions or
14 encumbrances that run with the land or facilities that are transferred.

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

19 **(6)** If a district is created, on the date that the creation becomes effective:

20 (a) All assets and liabilities of the political subdivision with respect to park and
21 recreational functions become assets and liabilities of the district, except that all of
22 the following remain the responsibility of the political subdivision:

23 1. Debt related to capital expenditures for park facilities that was incurred by
24 a political subdivision before the district's creation.

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1 2. Any liabilities of the political subdivision with respect to employees of the
2 political subdivision who terminated employment before the district's creation and
3 who performed services for the political subdivision related to park and recreational
4 functions.

5 (b) All employees of the political subdivision having functions related to parks
6 and recreation become employees of the district. Employees so transferred have all
7 the rights under s. 59.52 (8) or 66.0509 or subch. I of ch. 63, that they enjoyed as
8 employees of the political subdivision. The district shall honor the terms of the
9 employees' collective bargaining agreements to the extent allowed by law. No
10 employee so transferred who has attained permanent status in class is required to
11 serve a probationary period.

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

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

18 (e) Notwithstanding s. 111.70 (2), (3), and (6), the district shall recognize the
19 representative of the labor organization that covers the transferred employees of the
20 collective bargaining unit.

21 (f) Any matter pending with the political subdivision with respect to park and
22 recreational functions is transferred to the district and all materials submitted to or
23 actions taken by the political subdivision with respect to park and recreational
24 functions are considered as having been submitted to or taken by the district.

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1 **(7)** (a) 1. The district is governed by a commission. The commission may adopt
2 bylaws to govern the district's activities, subject to ss. 27.16 to 27.165.

3 2. In counties having a population of 500,000 or more, the commission shall
4 consist of 9 members who shall be elected from election districts within the district.
5 In districts located wholly or partly within other counties, the commission shall
6 consist of not more than 9 members and not fewer than 5 members.

7 3. The commissioners shall be regularly elected at the spring election. If
8 commissioners are elected at large, they shall be elected from numbered seats which
9 shall be designated by the commission. If the commissioners are elected from
10 election districts, they shall be elected pursuant to a districting plan adopted under
11 par. (b).

12 4. The initial election of commissioners shall occur at the spring election that
13 is held in the year following the year in which the resolutions or ordinances described
14 in sub. (5) (a) and (b) take effect, except that if the resolutions or ordinances take
15 effect before June 1 in an even-numbered year, the initial election of commissioners
16 shall occur at a special election which shall be held concurrently with the general
17 election. The clerk or board of election commissioners of the most populous political
18 subdivision whose park facilities are included in the district shall serve as the clerk
19 of the district until an initial clerk is appointed under par. (h) and qualifies.

20 (b) 1. Each districting plan shall divide the entire district into election districts
21 for the election of commissioners. The districting plan shall assign consecutive whole
22 numbers to the election districts. Each election district shall consist of contiguous
23 whole wards or municipalities and shall be equal in population insofar as
24 practicable. The districting plan for the election of initial commissioners in a newly
25 created district shall be prescribed by the government accountability board.

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1 Thereafter, the commissioner shall adopt the districting plan. The plan shall be
2 adopted by a majority vote of the members elected or appointed to the commission.
3 Except as otherwise provided in sub. (7m) or (10), the plan shall be effective until the
4 commission adopts a revised plan following the next federal decennial census. Upon
5 implementation of the plan, each commissioner who is elected to represent an
6 election district shall be elected by plurality vote of the electors of the election district
7 from which he or she seeks office. In a primary election for the office of any
8 commissioner to be elected from an election district, only the electors of the election
9 district may vote in the election.

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

14 (c) Each commissioner shall be a resident of the district and, if elected from an
15 election district, a resident of the election district from which he or she is elected at
16 the time that the member takes the oath of office. If a commissioner who is elected
17 from an election district ceases to be a resident of that election district after the
18 beginning of his or her term of office but continues to be a resident of the district, the
19 member may continue to serve for the remainder of the term for which he or she was
20 elected or appointed.

21 (d) No person who serves in any other state, local, or national office, as defined
22 in s. 5.02, is eligible to serve in the office of commissioners.

23 (e) 1. Except as provided in this paragraph, the terms of the commissioners
24 shall be 3 years, beginning on the first Monday in June following their election to
25 office. The clerk of the most populous political subdivision whose park facilities are

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1 included in the district shall designate the terms of one-third of the initial persons
2 elected to office for expiration on the first Monday in June of the year following that
3 year; the terms of one-third of the initial persons elected to office for expiration on
4 the first Monday in June of the 2nd year following that year; and the terms of
5 one-third of the persons elected to office for expiration on the first Monday in June
6 of the 3rd year following that year. If the number of commissioners is not divisible
7 by 3, the clerk of the most populous political subdivision whose park facilities are
8 included in the district shall designate the number of commissioners, as nearly equal
9 to one-third as possible, whose initial terms shall expire in the following year, the
10 2nd following year, and the 3rd following year.

11 2. If the commissioners are initially elected at the general election, the terms
12 of office of the initial persons elected to office shall begin on the first Monday in
13 January following their election to office. If the commissioners are initially elected
14 at the general election in any year, the clerk of the most populous political
15 subdivision whose park facilities are included in the district shall designate the
16 terms of one-third of the initial persons elected to office for expiration on the first
17 Monday in June of the 2nd year following that year; the terms of one-third of the
18 initial persons elected to office for expiration on the first Monday in June of the 3rd
19 following year; and the terms of office of one-third of the initial persons elected to
20 office for expiration on the first Monday in June of the 4th following year. If the
21 number of commissioners is not divisible by 3, the clerk of the most populous political
22 subdivision whose park facilities are included in the district shall designate the
23 number of commissioners, as nearly equal to one-third as possible, whose initial
24 terms shall expire in the 2nd following year, the 3rd following year, and the 4th
25 following year.

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1 (f) Commissioners may be removed from office before the expiration of their
2 terms, for cause, as provided in s. 17.13 (3) and may be recalled as provided in s. 9.10.
3 Vacancies in the office of commissioner shall be filled as provided in s. 17.27 (1f).

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

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

13 2. No later than 5 p.m. on the 2nd Tuesday in January, or for an election under
14 par. (e) 2., no later than 5 p.m. on the 3rd Tuesday of July, the clerk shall certify to
15 the county clerk or board of election commissioners the names of candidates who
16 have filed valid nomination papers for commissioner and who are eligible to have
17 their names appear on the ballot under s. 8.30. If any municipality lying wholly or
18 partially within the district prepares its own ballots under s. 7.15 (2) (c), the clerk
19 shall similarly certify the names of candidates to the municipal clerk. In making
20 these certifications, the clerk shall designate the form of each candidate's name to
21 appear on the ballot in the manner prescribed under s. 7.08 (2) (a). If a primary is
22 held for any seat on a commission, the clerk shall certify to the county clerk or board
23 of election commissioners the names of candidates who have won nomination to the
24 commission and who are eligible to have their names appear on the ballot under s.
25 8.30. If any municipality lying wholly or partially within the district prepares its

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1 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of
2 candidates to the municipal clerk or board of election commissioners. The clerk shall
3 notify the municipal clerk or board of elections commissioners of each municipality
4 lying wholly or partially within the district of any district election and furnish each
5 municipal clerk with a copy of the notice of the district election. If paper ballots are
6 utilized at a district election, the clerk shall provide each municipal clerk with an
7 adequate supply of ballots for the election at least 22 days before the election. The
8 clerk shall issue certificates of election to persons who are elected to the commission
9 after each election in the manner provided under s. 7.53 (4).

10 (i) The commissioners shall be reimbursed for their actual and necessary
11 expenses incurred in the performance of their duties, but may not receive a salary.

12 (j) Upon the election under par. (a) and qualification of a majority of the
13 commissioners, the commission may exercise the powers and duties of a commission
14 under this subchapter.

15 (k) At its first meeting, the commission shall name the district.

16 **(7m)** Within 60 days after the municipal governing body of each municipality
17 that is wholly or partly contained within the district enacts an ordinance or adopts
18 a resolution under s. 5.15 dividing the municipality into wards, if the municipality
19 is required to do so, or otherwise within 60 days after the necessary population data
20 becomes available from the federal government or is published by an agency of this
21 state, the commission shall, by vote of a majority of the members of the commission,
22 adopt a revised plan for the election districts within the district. Each election
23 district under the plan shall consist of contiguous whole wards or municipalities and
24 shall be equal in population insofar as practicable. Except as otherwise required
25 under sub. (10), the plan shall be effective until the commission adopts a revised plan

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1 under this subsection following the next federal decennial census unless a court of
2 competent jurisdiction orders the commission to revise the plan at an earlier date.

3 (8) (a) If a city or village whose territory is in one district annexes territory that
4 contains park facilities that are located in a different district, that district shall
5 transfer ownership of the park facilities that are located in the annexed territory to
6 the district whose territory includes the annexing city or village. The district which
7 receives the annexed territory shall negotiate a settlement agreement with the park
8 district from which the territory was annexed to compensate that park district for
9 the park facilities that are transferred, based on at least all of the 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 park district for
12 the park facilities that are transferred.

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

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

21 (d) If a city or village is located in more than one county, the city or village may
22 become part of any district for which it is otherwise eligible to be a part of. If a district
23 contains a county, a municipality that is located within that county may become part
24 of that district or it may become part of any other district for which it is otherwise
25 eligible to be a part of. All of the city's or village's territory shall be considered to be

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1 within the jurisdiction of the park district in which the city or village chooses to
2 participate.

3 (9) (a) A political subdivision whose park facilities are included in a district
4 may withdraw from the district as provided in this subsection if the governing body
5 of the political subdivision no later than the 3rd Tuesday in February preceding a
6 spring election, adopts a resolution declaring its intention to withdraw from the
7 district and the withdrawal is approved by the electors of the political subdivision at
8 a referendum held concurrently with the spring election.

9 (b) If the electors of a political subdivision whose park facilities are included
10 within a district file a petition with the clerk of the district, not later than the 3rd
11 Tuesday in February of any year, requesting a referendum on the question of
12 withdrawal of the political subdivision from the district, the commission shall call
13 a referendum in the political subdivision for the purpose of submitting the question
14 of withdrawal to the electors of the political subdivision for approval or rejection. The
15 referendum shall be held concurrently with the spring election.

16 (c) The question submitted to the electors shall be "Shall the (name of
17 political subdivision) withdraw from the (name of district)?" If the electors
18 approve the question, the political subdivision shall withdraw from the district.

19 (d) Each petition filed under this subsection shall be in the form specified in s.
20 8.40, shall name the political subdivision whose park facilities are proposed to be
21 withdrawn from the district, and shall name the district from which the facilities are
22 to be withdrawn. The petition may be circulated on or after January 1 of any year and
23 may be filed no later than 5 p.m. on the 3rd Tuesday in February. The petition shall
24 contain the signatures of at least 100 electors of the political subdivision.

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1 (e) If a political subdivision withdraws from a district under this subsection,
2 title to the park facilities that are located in the political subdivision shall be
3 transferred from the district to the political subdivision or from which the facilities
4 were transferred.

5 (f) If a political subdivision withdraws from a district under this subsection and
6 the territory remaining in the district after the withdrawal does not consist of at least
7 one political subdivision, the district shall dissolve under s. 27.165. If at least one
8 political subdivision remains a part of the district after a political subdivision
9 withdraws, the political subdivision that withdraws and the commission shall
10 negotiate a settlement agreement to compensate that park district for the park
11 facilities that are located in the political subdivision, based on at least all of the
12 following factors:

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

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

16 3. The amount of money or any other contribution made by the political
17 subdivision municipality for the park facilities that are transferred.

18 (g) If the political subdivision and the district are unable to negotiate a
19 settlement under par. (f) within 60 days after the resolution is approved in the
20 referendum under par. (a) or within 60 days after the referendum described under
21 par. (b) is approved, the political subdivision and the district shall agree on the
22 selection of an arbitrator who shall decide the settlement amount, and send written
23 notification of his or her decision to all parties, within 30 days after his or her
24 appointment.

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

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

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

22 **SECTION 78.** 27.162 of the statutes is created to read:

23 **27.162 Local park districts; jurisdiction and expansion.** (1) The initial
24 jurisdiction of a district shall consist of the territory of all of the sponsoring political
25 subdivisions that have acted under s. 27.161 (1) and (2) and all of the participating

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1 political subdivisions that have acted under s. 27.161 (3) in the same year, or within
2 90 days after the adoption of the first enabling legislation that is described in s.
3 27.161 (1).

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

11 (b) The procedures for any expansion approved under par. (a) shall permit the
12 governing body of a political subdivision to request inclusion of its park facilities in
13 the district on its own resolution, and shall also permit the electors of a political
14 subdivision to request inclusion in the district through a petition and referendum
15 process.

16 (c) Each petition filed under this subsection shall be in the form specified in s.
17 8.40, shall name the political subdivision whose park facilities are proposed to be
18 attached to the district, and shall name the district to which the facilities are to be
19 attached. The petition may be circulated on or after January 1 of any year and may
20 be filed no later than 5 p.m. on the 3rd Tuesday in February. The petition shall
21 contain the signatures of at least 100 electors of the political subdivision.

22 (3) Eligible electors of a political subdivision included in the expanded
23 jurisdiction of a district may vote for members of the board of directors at the first
24 election occurring after the effective date of the expansion at which members of the
25 board of directors are elected.

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1 (4) If a referendum is held on the question of attachment of a political
2 subdivision to an existing district, the question shall be submitted at the first regular
3 election occurring not sooner than 45 days after the date that the governing body
4 adopts a resolution submitting the question to a referendum and the commission
5 approves that action. The question shall be “Shall the (name of political
6 subdivision) become a part of the (name of district)?”. If the question is approved
7 by the electors, the governing body shall enter into an agreement with the
8 commission under sub. (2) (a). The attachment becomes effective on the date
9 specified in the agreement.

10 **SECTION 79.** 27.163 of the statutes is created to read:

11 **27.163 Local park districts; powers.** A district has all of the powers
12 necessary or convenient to carry out the purposes and provisions of ss. 27.16 to
13 27.165. The district shall hire a parks director, who is professionally qualified in the
14 field of parks management and who has significant experience in the day to day
15 operation of a park district. In addition to all other powers granted by ss. 27.16 to
16 27.165, a district may do all of the following:

17 (1) Adopt and alter an official seal.

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

19 (3) Maintain an office.

20 (4) In connection with park facilities:

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

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

25 (c) Grant concessions.

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1 (d) Operate recreational facilities or programs.

2 (e) Acquire by purchase, exchange, or donation land, or interests in land.

3 **(5)** Employ personnel, and fix and regulate their compensation; and provide,
4 either directly or subject to an agreement under s. 66.0301 as a participant in a
5 benefit plan of the political subdivision, any employee benefits, including an
6 employee pension plan.

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

10 **(7)** Adopt and enforce reasonable rules and regulations governing the use of,
11 and the conduct within, its park facilities and recreational facilities in order to
12 promote public safety and convenience and to maintain order. The district may
13 establish civil penalties, including restitution and including forfeitures in an amount
14 not to exceed \$500 for each violation, for violations of the rules and regulations
15 authorized under this section.

16 **(8)** (a) To carry out its functions, levy a tax on the taxable property in the
17 district, as equalized by the department of revenue under s. 70.57, at a rate not to
18 exceed one mill on each dollar of the equalized full value of all taxable property in
19 the district, except that the district may exceed the one-mill tax levy rate by
20 resolution. No increase in the tax levy rate in excess of one mill is effective until the
21 resolution is approved by a majority of the electors in the political subdivision voting
22 on the resolution at a referendum, to be held at the first regular election or special
23 election held throughout the district that is held at least 45 days after the date of
24 adoption of the resolution. The question submitted shall be whether the property tax
25 levy for the district may be increased by a specified amount. The clerk of the district

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1 shall publish the notices required under s. 10.06 (4) (c), (f), and (i) for any referendum
2 held under this subsection. Notwithstanding s. 10.06 (4) (c), the type A notice under
3 s. 10.01 (2) (a) relating to the referendum is valid even if given and published late as
4 long as it is given and published prior to the election as early as practicable. If a board
5 of directors adopts a resolution that increases the property tax levy rate in excess of
6 one mill for the district, or in excess of the amount allowed under par. (d) 1., and the
7 resolution is approved by the electors, the district clerk shall deliver a certified copy
8 of the resolution to the secretary of revenue at least 30 days before its effective date.
9 The tax levy rate shall be applied to the respective real property and personal
10 property tax rolls of the city, village, town, and county included in the district and
11 shall not be included within any limitation on county or municipality taxes.
12 Collected taxes levied under this paragraph shall be paid to the district treasurer.

13 (b) The initial operating levy of a district shall be imposed by the commission
14 in December of the year preceding the January 1 on which the district is created
15 under s. 27.161 (5). The initial levy shall be imposed in an amount that equals as
16 closely as possible the greater of the following:

17 1. The total operating levy, of all political subdivisions whose park facilities are
18 included in the district, that is attributable to park and recreational purposes for the
19 fiscal year in which either the final enabling resolution is adopted under s. 27.161
20 (2) or the final referendum is held under s. 27.161 (3).

21 2. The total operating levy, of all political subdivisions whose park facilities are
22 included in the district, that is attributable to park and recreational purposes for the
23 fiscal year before the fiscal year in which either the final enabling resolution is
24 adopted under s. 27.161 (2) or the final referendum is held under s. 27.161 (3).

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1 (c) For the year in which a commission imposes its initial operating levy under
2 par. (b), each sponsoring political subdivision shall reduce its operating levy by the
3 amount that the sponsoring political subdivision levied in the previous year for park
4 and recreational purposes, to the extent that those functions have been assumed by
5 the district.

6 (d) 1. In addition to the limits on the tax levy rate increase in par. (a), and except
7 as provided in subd. 2., the district may not increase its levy in 2007 or 2008 by a
8 percentage that exceeds a percentage equal to the greater of either 4 percent or the
9 percentage change in the district's January 1 equalized value due to new
10 construction less improvements removed between the previous year and the current
11 year. The base amount in any year, to which the limit under this subsection applies,
12 shall be the maximum allowable levy for the immediately preceding year.

13 2. A district may exceed the levy increase limit under subd. 1. if the commission
14 adopts a resolution to that effect and if the resolution is approved in a referendum,
15 following the procedures specified in par. (a), to the extent that those procedures are
16 not inconsistent with the procedures specified in this subdivision. The resolution
17 shall specify the proposed amount of increase in the levy beyond the amount that is
18 allowed subd. 1. and shall specify whether the proposed amount of increase is for the
19 next fiscal year only or if it will apply on an ongoing basis. With regard to a
20 referendum relating to an odd-numbered year, the political subdivision may call a
21 special referendum for the purpose of submitting the resolution to the electors of the
22 political subdivision for approval or rejection. With regard to a referendum relating
23 to an even-numbered year, the referendum shall be held at the next succeeding
24 spring primary or election or September primary or general election.

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1 3. The levy increase limit otherwise applicable to the district under this
2 subsection is increased in the next fiscal year by the percentage approved by a
3 majority of those voting on the question. If the resolution specifies that the increase
4 is for one year only, the amount of the increase shall be subtracted from the base used
5 to calculate the limit for the 2nd succeeding fiscal year.

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

8 (a) Maintaining the park facilities.

9 (b) Operating the park facilities.

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

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

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

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

15 **(13)** Impose user fees for the use of district facilities and programs. The district
16 may impose different fees based on whether the user resides within the district's
17 jurisdiction.

18 **SECTION 80.** 27.164 of the statutes is created to read:

19 **27.164 Local park districts; powers and duties of, and limitations on,**
20 **political subdivisions.** **(1)** Except as otherwise provided in this section, the
21 governing bodies of each political subdivision that make up the jurisdiction of the
22 district may not create a park or expend any funds to support a park or recreational
23 facilities, or impose an impact fee under s. 66.0617 for park facilities, after the
24 imposition of the taxes described under s. 27.163 (8).

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

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

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

7 **SECTION 81.** 27.165 of the statutes is created to read:

8 **27.165 Local park districts; dissolution.** (1) DISSOLUTION. In addition to
9 a district being dissolved upon a withdrawal, as described in s. 27.161 (9), the
10 commission may also vote to dissolve a district. If a district is dissolved, on the date
11 the dissolution becomes effective all of the following apply:

12 (a) All assets and liabilities of the district shall be apportioned to, and become
13 the assets and liabilities of, the sponsoring or participating political subdivisions and
14 the governing bodies of any political subdivisions that joined the district under s.
15 27.162.

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

22 (c) All real property and all tangible personal property of the district is
23 transferred to the political subdivisions described under par. (a), as apportioned by
24 the commission.

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

6 (e) Any matter pending with the district is transferred to the political
7 subdivisions described under par. (a), as apportioned by the commission and all
8 materials submitted to or actions taken by the district with respect to park and
9 recreational functions are considered as having been submitted to or taken by the
10 political subdivisions.

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

13 1. The current value of park facilities transferred by a political subdivision to
14 a district.

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

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

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

23 **SECTION 82.** 30.277 (1b) (a) of the statutes is amended to read:

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

4 **SECTION 83.** 40.02 (28) of the statutes is amended to read:

5 40.02 (28) “Employer” means the state, including each state agency, any
6 county, city, village, town, school district, other governmental unit or
7 instrumentality of 2 or more units of government now existing or hereafter created
8 within the state, any federated public library system established under s. 43.19
9 whose territory lies within a single county with a population of 500,000 or more, a
10 local exposition district created under subch. II of ch. 229, a local park district created
11 under s. 27.161, and a family care district created under s. 46.2895, except as
12 provided under ss. 40.51 (7) and 40.61 (3) and subch. X. “Employer” does not include
13 a local cultural arts district created under subch. V of ch. 229. Each employer shall
14 be a separate legal jurisdiction for OASDHI purposes.

15 **SECTION 84.** 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act 65 and
16 2007 Wisconsin Act (this act), is repealed and recreated to read:

17 40.02 (28) “Employer” means the state, including each state agency, any
18 county, city, village, town, school district, other governmental unit or
19 instrumentality of 2 or more units of government now existing or hereafter created
20 within the state, any federated public library system established under s. 43.19
21 whose territory lies within a single county with a population of 500,000 or more, a
22 local exposition district created under subch. II of ch. 229, a local park district created
23 under s. 27.161, and a family care district created under s. 46.2895, except as
24 provided under ss. 40.51 (7) and 40.61 (3). “Employer” does not include a local

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1 cultural arts district created under subch. V of ch. 229. Each employer shall be a
2 separate legal jurisdiction for OASDHI purposes.

3 **SECTION 85.** 66.0301 (1) (a) of the statutes is amended to read:

4 66.0301 (1) (a) In this section “municipality” means the state or any
5 department or agency thereof, or any city, village, town, county, school district, public
6 library system, public inland lake protection and rehabilitation district, sanitary
7 district, farm drainage district, metropolitan sewerage district, sewer utility district,
8 solid waste management system created under s. 59.70 (2), local exposition district
9 created under subch. II of ch. 229, local professional baseball park district created
10 under subch. III of ch. 229, local professional football stadium district created under
11 subch. IV of ch. 229, ~~a-~~ local cultural arts district created under subch. V of ch. 229,
12 local park district created under s. 27.161, family care district under s. 46.2895,
13 water utility district, mosquito control district, municipal electric company, county
14 or city transit commission, commission created by contract under this section,
15 taxation district, regional planning commission, or city-county health department.

16 **SECTION 86.** 66.0617 (1) (a) of the statutes is amended to read:

17 66.0617 (1) (a) “Capital costs” means the capital costs to construct, expand, or
18 improve public facilities, including the cost of land, and including legal, engineering,
19 and design costs to construct, expand, or improve public facilities, except that not
20 more than ~~10%~~ 10 percent of capital costs may consist of legal, engineering, and
21 design costs unless the municipality or local park district can demonstrate that its
22 legal, engineering, and design costs which relate directly to the public improvement
23 for which the impact fees were imposed exceed ~~10%~~ 10 percent of capital costs.
24 “Capital costs” does not include other noncapital costs to construct, expand, or

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1 improve public facilities, vehicles; or the costs of equipment to construct, expand, or
2 improve public facilities.

3 **SECTION 87.** 66.0617 (1) (am) of the statutes is created to read:

4 66.0617 (1) (am) “Local park district” has the meaning given for district in s.
5 27.16 (4).

6 **SECTION 88.** 66.0617 (1) (c) of the statutes is amended to read:

7 66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land
8 or interests in land, or any other items of value that are imposed on a developer by
9 a municipality or a local park district under this section.

10 **SECTION 89.** 66.0617 (1) (d) of the statutes is amended to read:

11 66.0617 (1) (d) “Land development” means the construction or modification of
12 improvements to real property that creates additional residential dwelling units
13 within a municipality or local park district or that results in nonresidential uses that
14 create a need for new, expanded, or improved public facilities within a municipality
15 or local park district.

16 **SECTION 90.** 66.0617 (1) (g) of the statutes is amended to read:

17 66.0617 (1) (g) “Service area” means a geographic area delineated by a
18 municipality or local park district within which there are public facilities.

19 **SECTION 91.** 66.0617 (1) (h) of the statutes is amended to read:

20 66.0617 (1) (h) “Service standard” means a certain quantity or quality of public
21 facilities relative to a certain number of persons, parcels of land, or other appropriate
22 measure, as specified by the municipality or local park district.

23 **SECTION 92.** 66.0617 (2) (a) of the statutes is amended to read:

24 66.0617 (2) (a) -A Subject to par. (am), a municipality may enact an ordinance
25 under this section, and a local park district may adopt a resolution under this section,

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1 that imposes impact fees on developers to pay for the capital costs that are necessary
2 to accommodate land development.

3 **SECTION 93.** 66.0617 (2) (am) of the statutes is created to read:

4 66.0617 (2) (am) No local park district may impose an impact fee under this
5 section for any purpose other than park facilities, as defined in s. 27.16 (7).

6 **SECTION 94.** 66.0617 (3) of the statutes is amended to read:

7 66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance or adopting
8 a resolution that imposes impact fees, or amending an existing ordinance or
9 resolution that imposes impact fees, a municipality or a local park district shall hold
10 a public hearing on the proposed ordinance or amendment. Notice of the public
11 hearing shall be published as a class 1 notice under ch. 985, and shall specify where
12 a copy of the proposed ordinance or amendment and the public facilities needs
13 assessment may be obtained.

14 **SECTION 95.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

15 66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution
16 that imposes impact fees or amending an ordinance or resolution that imposes
17 impact fees by revising the amount of the fee or altering the public facilities for which
18 impact fees may be imposed, a municipality or a local park district shall prepare a
19 needs assessment for the public facilities for which it is anticipated that impact fees
20 may be imposed. The public facilities needs assessment shall include, but not be
21 limited to, the following:

22 **SECTION 96.** 66.0617 (4) (b) of the statutes is amended to read:

23 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
24 needs assessment that is prepared under this subsection shall be available for public
25 inspection and copying in the office of the clerk of the municipality or in the office of

SENATE BILL 248**SECTION 96**

1 the secretary of the commission of the local park district at least 20 days before the
2 hearing under sub. (3).

3 **SECTION 97.** 66.0617 (5) of the statutes is amended to read:

4 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or
5 resolution adopted under this section may impose different impact fees on different
6 types of land development.

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

15 **SECTION 98.** 66.0617 (6) (intro.) of the statutes is amended to read:

16 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an
17 ordinance enacted or resolution adopted under this section:

18 **SECTION 99.** 66.0617 (6) (b) of the statutes is amended to read:

19 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that
20 are required to serve land development, as compared to existing uses of land within
21 the municipality or local park district.

22 **SECTION 100.** 66.0617 (6) (h) of the statutes is created to read:

23 66.0617 (6) (h) Shall be payable by the developer to the local park district either
24 in full or in installment payments that are approved by the local park district.

25 **SECTION 101.** 66.0617 (7) of the statutes is amended to read:

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1 66.0617 (7) LOW-COST HOUSING. An ordinance enacted or resolution adopted
2 under this section may provide for an exemption from, or a reduction in the amount
3 of, impact fees on land development that provides low-cost housing, except that no
4 amount of an impact fee for which an exemption or reduction is provided under this
5 subsection may be shifted to any other development in the land development in
6 which the low-cost housing is located or to any other land development in the
7 municipality or local park district.

8 **SECTION 102.** 66.0617 (8) of the statutes is amended to read:

9 66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from each
10 impact fee that is imposed shall be placed in a separate segregated interest-bearing
11 account and shall be accounted for separately from the other funds of the
12 municipality or local park district. Impact fee revenues and interest earned on
13 impact fee revenues may be expended only for the particular capital costs for which
14 the impact fee was imposed, unless the fee is refunded under sub. (9).

15 **SECTION 103.** 66.0617 (9) of the statutes is amended to read:

16 66.0617 (9) (a) Subject to par. (b), an ordinance enacted or resolution adopted
17 under this section shall specify that impact fees that are imposed and collected by
18 a municipality or local park district but are not used within 7 years after they are
19 collected to pay the capital costs for which they were imposed shall be refunded to
20 the current owner of the property with respect to which the impact fees were
21 imposed, along with any interest that has accumulated, ~~in~~ as described in sub. (8).
22 The ordinance or resolution shall specify, by type of public facility, reasonable time
23 periods within which impact fees must be spent or refunded under this subsection,
24 subject to the 7-year limit in this paragraph and the extended time period specified
25 in par. (b). In determining the length of the time periods under the ordinance, a

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1 municipality or local park district shall consider what are appropriate planning and
2 financing periods for the particular types of public facilities for which the impact fees
3 are imposed.

4 (b) The 7-year time limit for using impact fees that is specified under par. (a)
5 may be extended for 3 years if the ~~political subdivision~~ municipality or local park
6 district adopts a resolution stating that, due to extenuating circumstances or
7 hardship in meeting the 7-year limit, it needs an additional 3 years to use the impact
8 fees that were collected. The resolution shall specify the extenuating circumstances
9 or hardship that led to the need to adopt a resolution under this paragraph.

10 **SECTION 104.** 66.0617 (10) of the statutes is amended to read:

11 66.0617 (10) APPEAL. A municipality that enacts an impact fee ordinance under
12 this section shall, by ordinance, and a local park district that adopts an impact fee
13 resolution under this section shall, by resolution, specify a procedure under which
14 a developer upon whom an impact fee is imposed has the right to contest the amount,
15 collection, or use of the impact fee to the governing body of the municipality or local
16 park district.

17 **SECTION 105.** 67.01 (5) of the statutes is amended to read:

18 67.01 (5) "Municipality" means any of the following which is authorized to levy
19 a tax: a county, city, village, town, school district, board of park commissioners,
20 technical college district, metropolitan sewerage district created under ss. 200.01 to
21 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, local park
22 district created under s. 27.161, public inland lake protection and rehabilitation
23 district established under s. 33.23, 33.235, or 33.24, and any other public body
24 empowered to borrow money and issue obligations to repay the money out of public
25 funds or revenues. "Municipality" does not include the state.

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1 **SECTION 106.** 70.11 (37m) of the statutes is created to read:

2 70.11 (**37m**) LOCAL PARK AND RECREATION DISTRICT. The property of a local park
3 district under s. 27.161.

4 **SECTION 107.** 71.26 (1) (bm) of the statutes is amended to read:

5 71.26 (**1**) (bm) *Certain local districts.* Income of a local exposition district
6 created under subch. II of ch. 229, a local professional baseball park district created
7 under subch. III of ch. 229, a local professional football stadium district created
8 under subch. IV of ch. 229, ~~or~~ a local cultural arts district created under subch. V of
9 ch. 229, a local park district created under s. 27.161.

10 **SECTION 108.** 77.25 (18m) of the statutes is created to read:

11 77.25 (**18m**) To a local park district under s. 27.161.

12 **SECTION 109.** 77.54 (9a) (i) of the statutes is created to read:

13 77.54 (**9a**) (i) A local park district under s. 27.161.

14 **SECTION 110.** 350.01 (2m) of the statutes is created to read:

15 350.01 (**2m**) “Local park district” means a local park district created under s.
16 27.161 by one or more counties but not with the participation of any city, village, or
17 town.

18 **SECTION 111.** 350.01 (9j) of the statutes is created to read:

19 350.01 (**9j**) “Local park district” means a local park district created under s.
20 27.161.

21 **SECTION 112.** 350.01 (11m) of the statutes is amended to read:

22 350.01 (**11m**) “Sanctioned race or derby” means a competitive snowmobile
23 event sponsored by a county, local park district, town, city, or village, by a promoter,
24 by a chamber of commerce, or by a snowmobile club or other similar organization.

25 **SECTION 113.** 350.04 (3) (a) of the statutes is amended to read:

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1 350.04 (3) (a) No county, town, city ~~or~~, village, or local park district shall be
2 liable for any injury suffered in connection with a race or derby under this section,
3 unless the injury is caused by the negligence of the county, town, city ~~or~~, village, or
4 local park district.

5 **SECTION 114.** 350.04 (3) (b) of the statutes is amended to read:

6 350.04 (3) (b) The county, town, city ~~or~~, village, or local park district shall post
7 the provisions of par. (a) in a conspicuous place, readily accessible to all contestants
8 and spectators, and shall assist in locating and identifying persons responsible for
9 injuries that may occur.

10 **SECTION 115.** 350.12 (4) (b) 1. of the statutes is amended to read:

11 350.12 (4) (b) 1. State aids and funds for maintenance costs shall be ~~100%~~ 100
12 percent of the actual cost of maintaining the trail per year up to a \$250 per mile per
13 year maximum, except as provided in pars. (bg) to (br). Qualifying trails are trails
14 approved by the board as snowmobile trails. State aid for development may equal
15 ~~100%~~ 100 percent of development expenses. Aids for major reconstruction or
16 rehabilitation projects to improve bridges may equal ~~100%~~ 100 percent of eligible
17 costs. Aids for trail rehabilitation may equal ~~100%~~ 100 percent of eligible costs.
18 Development shall begin the same year the land is acquired. Moneys available for
19 development shall be distributed on a ~~100%~~ 100 percent grant basis, ~~75%~~ 75 percent
20 at the time of approval but no later than January 1 and ~~25%~~ 25 percent upon
21 completion of the project. ~~A county~~ An application from a county or a local park
22 district may include a request for development, rehabilitation or maintenance of
23 trails, or any combination thereof. Trail routes, sizes and specifications shall be
24 prescribed only by the board.

25 **SECTION 116.** 350.12 (4) (b) 3. of the statutes is amended to read:

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1 350.12 (4) (b) 3. Not more than \$30,000 for a route signing program of aids to
2 cities, villages, towns ~~or~~, counties, or local park districts of up to ~~100%~~ 100 percent
3 of the cost of initial signing of snowmobile routes which connect authorized
4 snowmobile trails or which offer entrance to or exit from snowmobile trails leading
5 to ~~such municipalities~~ the cities, village, towns, or counties. Aid may be provided
6 under this subdivision to cities, villages, towns ~~and~~, counties and local park districts
7 for up to ~~100%~~ 100 percent of the cost of placing signs developed under s. 350.108 (1)
8 (b) which briefly explain the intoxicated snowmobiling law along snowmobile routes.
9 Applications and documentation shall be submitted to the department by April 15
10 of each year on forms prescribed by departmental rule.

11 **SECTION 117.** 350.12 (4) (bg) 1. of the statutes is amended to read:

12 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
13 department shall make available in fiscal year 2001-02 and each fiscal year
14 thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make
15 payments to the department or to a county or local park district under par. (bm) for
16 trail maintenance costs incurred in the previous fiscal year that exceed the
17 maximum specified under par. (b) 1. before expending any of the amount for the other
18 purposes specified in par. (b).

19 **SECTION 118.** 350.12 (4) (bg) 2. of the statutes is amended to read:

20 350.12 (4) (bg) 2. For fiscal year 2001-02, and for each fiscal year thereafter,
21 the department shall calculate an amount equal to the number of trail use stickers
22 issued under sub. (3j) in the previous fiscal year multiplied by \$15 and shall credit
23 this amount to the appropriation account under s. 20.370 (5) (cw). From the
24 appropriation account under s. 20.370 (5) (cw), the department shall make payments
25 to the department ~~or~~, a county, or a local park district for the purposes specified in

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1 par. (b). The department shall make payments under par. (bm) for trail maintenance
2 costs that were incurred in the previous fiscal year and that exceed the maximum
3 specified under par. (b) 1. before making payments for any of the other purposes
4 specified in par. (b).

5 **SECTION 119.** 350.12 (4) (bm) (intro.) of the statutes is amended to read:

6 350.12 (4) (bm) *Supplemental trail aids; eligibility.* (intro.) A county, a local
7 park district, or the department shall be eligible for payments under par. (bg) for a
8 given fiscal year if it applies for the aid and if all of the following apply:

9 **SECTION 120.** 350.12 (4) (bm) 1. of the statutes is amended to read:

10 350.12 (4) (bm) 1. The actual cost incurred by the department ~~or~~, the county,
11 or the local park district in maintaining its trails that are qualified under par. (b) 1.
12 or 4. in the previous fiscal year exceeds the maximum of \$250 per mile per year under
13 par. (b) 1.

14 **SECTION 121.** 350.12 (4) (bm) 2. of the statutes is amended to read:

15 350.12 (4) (bm) 2. Of the actual cost incurred by the department ~~or~~, the county,
16 or the local park district in maintaining its trails that are qualified under par. (b) 1.
17 or 4. for the fiscal year applicable under subd. 1., the actual cost incurred in grooming
18 the trails exceeds a maximum of \$150 per mile per year.

19 **SECTION 122.** 350.12 (4) (br) of the statutes is amended to read:

20 350.12 (4) (br) *Supplemental trail aids; insufficient funding.* If the aid that is
21 payable ~~to counties and to the department~~ under par. (bm) exceeds the moneys
22 available under par. (bg), the department may prorate the payments or may request
23 the joint committee on finance to take action under s. 13.101. The requirement of a
24 finding of emergency under s. 13.101 (3) (a) 1. does not apply to such a request.

25 **SECTION 123.** 350.138 (1) (d) of the statutes is amended to read:

