



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1452/P1

MES/JK/JTK:kmg:kjf

Very  
SOON

/rjm

fmr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS:

① F; at large  
and make it  
"at-large"

D-NOTE

② please bring  
all questions to kmg.

reym

1 AN ACT to amend 66.0301 (1) (a), 71.26 (1) (bm), 77.71 and 77.76 (4); and to  
2 create 20.566 (1) (gc), 20.835 (4) (gc), 70.11 (37m), 77.25 (18m), 77.54 (9a) (i),  
3 77.704, 77.707 (3), 77.76 (3n) and subchapter VI of chapter 229 [precedes  
4 229.86] of the statutes; relating to: authorizing the creation of a local park  
5 and recreation district, authorizing a local park and recreation district to impose a sales tax and use tax, and  
6 making an appropriation.

and levy a property tax

Analysis by the Legislative Reference Bureau

certain  
contiguous  
municipalities

CREATION AND DISSOLUTION OF A DISTRICT

This bill authorizes ~~one or more~~ political subdivisions (any city other than a 1st class city, any village, any town, or any county other than a county with a population of at least 500,000) 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 political subdivisions within its jurisdiction.

Subject to a number of conditions, a district may be created by one of two methods. Under the first method, the governing body of a political subdivision adopts an enabling resolution that declares the need for establishing the district and contains a detailed description of the boundaries of the proposed district. Any other political subdivision that adopts a substantially similar enabling resolution within

Each municipality

greater than  
2,500

or

and recreation

municipalities

two or more  
contiguous

municipalities

*consisting of two or more contiguous municipalities*

90 days, beginning with the date of adoption of the first enabling resolution, may be part of the initial jurisdiction of a district. ~~If the first enabling resolution is adopted after October 31 and before January 1, the district may not be created sooner than the second January 1 following the adoption of the resolution.~~ Under the second method, a district may be created by a petition and referendum. The petition must be circulated after ~~October 31 and before December 18,~~ in each political subdivision within the proposed boundaries of the district. If it is signed by a number of qualified electors residing in the political subdivision equal to at least 15% of the votes cast for governor in the political subdivision at the last gubernatorial election, a referendum is held at the next succeeding spring election. A district is then created with a jurisdiction that consists of each of the political subdivisions in which the referendum is approved.

*Must be filed no later than the 3rd Tuesday in February*

~~Under either of these two methods, if a county may be part of a district's jurisdiction, every town with a population of less than 2,500 that is located in the county may hold a referendum concurrent with the spring primary to determine whether the town wants to be part of a district if the county in which it is located becomes part of a district. If a town opts out of a district, the town may, under a petition and referendum procedure, or following a referendum called by the town board, decide to become part of a district.~~

Before a district, ~~the jurisdiction of which contains more than one political subdivision,~~ 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 provide initial operating funds for the district, a method to apportion the members of the district's board among the participating political subdivisions, and a method to transfer title of the political subdivisions' park facilities to the district. Before such an agreement may be entered into, the participating political subdivisions must select an arbitrator who will decide by November 1 any of the issues that are not resolved by the political subdivisions by September 1.

*municipality*

*municipalities*

*INS ANL-A*

*the authority to operate recreational facilities or programs;*

In connection with park facilities, the powers of a district board include: the authority to acquire, develop, maintain, improve, operate, and manage the park facilities; the authority to enter into contracts; the authority to employ personnel; and the authority to impose a sales tax and a use tax to carry out its functions. Before the taxes imposed by a district may take effect, however, the district's action must be approved in a referendum.

A district is governed by a nine-member board of directors who are appointed by the chief executive officer of each participating political subdivision, according to a formula that is agreed to by the parties or imposed by an arbitrator. The terms of directors are three years, although the initial terms are staggered such that each one-third of the seats on the board are for terms of approximately one, two, and three years. The district board may change any decision that was made by an arbitrator, and may adopt procedures to expand the jurisdiction of the district to include other political subdivisions, the governing bodies of which approve of their inclusion in the district.

*municipalities or districts*

*(a) and levy a property tax,*

*(elected at-large at the spring election or*

*except that no district may be created unless the referendum is approved in at least two contiguous municipalities.*

*also a for*

*municipalities*

A district may dissolve by action of the district board, subject to payment of the district's debts and fulfillment of its other contractual obligations. If a district is dissolved, its property must be transferred to the <sup>municipalities</sup> ~~political subdivisions~~ within the district's jurisdiction. The district board determines how, and to which ~~political subdivision~~ <sup>municipality</sup>, the property is transferred based on factors including the current value of the park facilities initially transferred by a ~~political subdivision~~ <sup>municipality</sup> to a district and the amount of money, sales tax revenue, and other contributions made by, or collected from, a ~~political subdivision~~ <sup>municipality</sup>.

Under the bill, a ~~political subdivision~~ <sup>municipality</sup> within the district's jurisdiction may make grants or loans, or lease or transfer property, to a district, ~~expend public funds to subsidize a district, or borrow money to fund grants, loans, or subsidies to a district.~~ <sup>Generally, however, a municipality may not create a park or expand any funds to support park or recreational facilities after a district imposes taxes.</sup>

**TAXATION**

Under the bill, a district may adopt a resolution to impose a sales tax and a use tax at a rate of 0.1% on the sale or use of tangible personal property and services in the district, subject to approval by the electors of a district at a referendum. The district must hold the referendum at the first spring or September primary that is at least 45 days after the date on which the district adopts the resolution to impose the taxes. The district may use the tax revenue only for purposes related to park facilities. A retailer in the district may not collect the tax imposed by the district after the district dissolves.

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.

**TAXEXM**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

- 1 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
- 2 the following amounts for the purposes indicated:

INSERT ANL-B

INSERT 3-1

2001-02      2002-03

**20.566 Revenue, department of**

(1) COLLECTION OF TAXES

*and recreation*

(gc) Administration of local park district taxes

PR      A      -0-      -0-

**SECTION 2.** 20.566 (1) (gc) of the statutes is created to read:

20.566 (1) (gc) *and recreation* Administration of local park district taxes. The amounts in the schedule for administering the special district taxes imposed under s. 77.704 by local park *and recreation* districts created under subch. VI of ch. 229. One and one-half percent of all moneys received from the taxes imposed under s. 77.704 shall be credited to this appropriation account.

**SECTION 3.** 20.835 (4) (gc) of the statutes is created to read:

20.835 (4) (gc) *and recreation* Local park district taxes. Ninety-eight and one-half percent of all moneys received from the taxes imposed under s. 77.704, for the purposes provided in s. 77.76 (3n).

**SECTION 4.** 66.0301 (1) (a) of the statutes is amended to read:

66.0301 (1) (a) In this section "municipality" means the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, ~~a~~ local cultural arts district created under subch. V of ch. 229,

✓  
JWS  
4-16A  
↓  
JWS  
4-16B  
→

1 local park<sup>and recreation</sup> district created under subch. VI of ch. 229, family care district under s.  
 2 46.2895, water utility district, mosquito control district, municipal electric company,  
 3 county or city transit commission, commission created by contract under this section,  
 4 taxation district<sup>✓</sup> or regional planning commission.

5 SECTION 5. 70.11 (37m) of the statutes is created to read:

6 70.11 (37m) LOCAL PARK<sup>AND RECREATION</sup> DISTRICT. The property of a local park<sup>and recreation</sup> district under  
 7 subch. VI of ch. 229.

8 SECTION 6. 71.26 (1) (bm) of the statutes is amended to read:

9 71.26 (1) (bm) *Certain local districts.* Income of a local exposition district  
 10 created under subch. II of ch. 229, a local professional baseball park district created  
 11 under subch. III of ch. 229 ~~or~~, a local professional football stadium district created  
 12 under subch. IV of ch. 229 ~~or~~, a local cultural arts district created under subch. V of  
 13 ch. 229, or a local park<sup>and recreation</sup> district<sup>created</sup> under subch. VI of ch. 229.

14 SECTION 7. 77.25 (18m) of the statutes is created to read:

15 77.25 (18m) To a local park<sup>and recreation</sup> district under subch. VI of ch. 229.

16 SECTION 8. 77.54 (9a) (i) of the statutes is created to read:

17 77.54 (9a) (i) A local park district under subch. VI of ch. 229.

18 SECTION 9. 77.704 of the statutes is created to read:

19 77.704 Adoption by resolution; local park<sup>and recreation</sup> district. A local park district  
 20 created under subch. VI of ch. 229, by resolution under s. 229.863 (8), may impose  
 21 a sales tax and a use tax under this subchapter at a rate of 0.1% of the gross receipts  
 22 or sales price. Those taxes may be imposed only in their entirety. The imposition of  
 23 the taxes under this section shall be effective on the first day of the first month that  
 24 begins at least 30 days after the certification of the approval of the resolution by the  
 25 electors in the district's jurisdiction under s. 229.863 (8).

1           **SECTION 10.** 77.707 (3) of the statutes is created to read:

2           77.707 (3) Retailers and the department of revenue may not collect a tax under  
3 s. 77.704 for any local park <sup>and recreation</sup> (district created under subch. VI of ch. 229 after the  
4 calendar quarter during which the local park district board makes the certification  
5 to the department of revenue under s. 229.865, except that the department of  
6 revenue may collect from retailers taxes that accrued before that calendar quarter  
7 and fees, interest, and penalties that relate to those taxes.

8           **SECTION 11.** 77.71 of the statutes is amended to read:

9           **77.71 Imposition of county and special district sales and use taxes.**

10 Whenever a county sales and use tax ordinance is adopted under s. 77.70 or a special  
11 district resolution is adopted under s. 77.704, 77.705<sup>v</sup> or 77.706, the following taxes  
12 are imposed:

13           (1) For the privilege of selling, leasing<sup>v</sup> or renting tangible personal property  
14 and for the privilege of selling, performing<sup>v</sup> or furnishing services a sales tax is  
15 imposed upon retailers at the rate of 0.5% in the case of a county tax or at the rate  
16 under s. 77.704, 77.705<sup>v</sup> or 77.706 in the case of a special district tax of the gross  
17 receipts from the sale, lease<sup>v</sup> or rental of tangible personal property, except property  
18 taxed under sub. (4), sold, leased<sup>v</sup> or rented at retail in the county or special district  
19 or from selling, performing<sup>v</sup> or furnishing services described under s. 77.52 (2) in the  
20 county or special district.

21           (2) An excise tax is imposed at the rate of 0.5% in the case of a county tax or  
22 at the rate under s. 77.704, 77.705<sup>v</sup> or 77.706 in the case of a special district tax of the  
23 sales price upon every person storing, using<sup>v</sup> or otherwise consuming in the county  
24 or special district tangible personal property or services if the property or service is  
25 subject to the state use tax under s. 77.53, except that a receipt indicating that the

1 tax under sub. (1), (3)<sup>✓</sup> or (4) has been paid relieves the buyer of liability for the tax  
2 under this subsection and except that if the buyer has paid a similar local tax in  
3 another state on a purchase of the same property or services that tax shall be credited  
4 against the tax under this subsection and except that for motor vehicles that are used  
5 for a purpose in addition to retention, demonstration<sup>✓</sup> or display while held for sale  
6 in the regular course of business by a dealer the tax under this subsection is imposed  
7 not on the sales price but on the amount under s. 77.53 (1m).

8 (3) An excise tax is imposed upon a contractor engaged in construction  
9 activities within the county or special district, at the rate of 0.5% in the case of a  
10 county tax or at the rate under s. 77.704, 77.705<sup>✓</sup> or 77.706 in the case of a special  
11 district tax of the sales price of tangible personal property that is used in  
12 constructing, altering, repairing<sup>✓</sup> or improving real property and that becomes a  
13 component part of real property in that county or special district, except that if the  
14 contractor has paid the sales tax of a county in the case of a county tax or of a special  
15 district in the case of a special district tax in this state on that property, or has paid  
16 a similar local sales tax in another state on a purchase of the same property, that tax  
17 shall be credited against the tax under this subsection.

18 (4) An excise tax is imposed at the rate of 0.5% in the case of a county tax or  
19 at the rate under s. 77.704, 77.705<sup>✓</sup> or 77.706 in the case of a special district tax of the  
20 sales price upon every person storing, using<sup>✓</sup> or otherwise consuming a motor vehicle,  
21 boat, snowmobile, mobile home not exceeding 45 feet in length, trailer, semitrailer,  
22 all-terrain vehicle or aircraft, if that property must be registered or titled with this  
23 state and if that property is to be customarily kept in a county that has in effect an  
24 ordinance under s. 77.70 or in a special district that has in effect a resolution under  
25 s. 77.704, 77.705<sup>✓</sup> or 77.706, except that if the buyer has paid a similar local sales tax

1 in another state on a purchase of the same property that tax shall be credited against  
2 the tax under this subsection.

3 **SECTION 12.** 77.76 (3n) of the statutes is created to read:

4 77.76 (3n) From the appropriation under s. 20.835 (4) (gc), the department of  
5 revenue shall distribute 98.5% of the taxes reported for each local park district that  
6 has imposed taxes under this subchapter, minus the district portion of the retailers'  
7 discount, to the local park district no later than the end of the 3rd month following  
8 the end of the calendar quarter in which such amounts were reported. At the time  
9 of distribution, the department of revenue shall indicate the taxes reported by each  
10 taxpayer. In this subsection, the "district portion of the retailers' discount" is the  
11 amount determined by multiplying the total retailers' discount by a fraction, the  
12 numerator of which is the gross local park district sales and use taxes payable and  
13 the denominator of which is the sum of the gross state and local park district sales  
14 and use taxes payable. The local park district taxes distributed shall be increased  
15 or decreased to reflect subsequent refunds, audit adjustments, and all other  
16 adjustments of the local park district taxes previously distributed. Interest paid on  
17 refunds of local park district sales and use taxes shall be paid from the appropriation  
18 under s. 20.835 (4) (gc) at the rate paid by this state under s. 77.60 (1) (a). Any local  
19 park district receiving a report under this subsection is subject to the duties of  
20 confidentiality to which the department of revenue is subject under s. 77.61 (5).

21 **SECTION 13.** 77.76 (4) of the statutes is amended to read:

22 77.76 (4) There shall be retained by the state 1.5% of the taxes collected for  
23 taxes imposed by special districts under ss. 77.704, 77.705, and 77.706 and 1.75% of  
24 the taxes collected for taxes imposed by counties under s. 77.70 to cover costs  
25 incurred by the state in administering, enforcing, and collecting the tax. All interest



1 and penalties collected shall be deposited and retained by this state in the general  
2 fund.

3 SECTION 14. Subchapter VI of chapter 229 [precedes 229.86] of the statutes is  
4 created to read:

5 CHAPTER 229  
6 SUBCHAPTER VI  
7 LOCAL PARK DISTRICTS AND RECREATION

8 229.86 Definitions. In this subchapter:

9 (1) "Board of directors" means the board of directors of a district.

10 (2) "Chief executive officer" means, as to a sponsoring <sup>municipality</sup> political subdivision or  
11 as to a ~~political subdivision~~ that is wholly or ~~partly~~ within the jurisdiction of a  
12 district, the mayor or city manager of a city, the village president of a village, <sup>or</sup> the town  
13 board chairperson of a town, ~~or the county executive of a county or, if the county does~~  
14 ~~not have a county executive, the chairperson of the county board of supervisors.~~

15 (3) "District" means a special purpose district created under this subchapter.

16 (4) "Enabling resolution" means a resolution, or an amendment of a resolution,  
17 adopted by the governing body of a ~~political subdivision~~ and signed by the chief  
18 executive officer to create a district.

19 (5) "Park facilities" means a public park, including improvements, that is  
20 owned by a district, or a public park, including improvements, that is owned by a  
21 ~~political subdivision~~ <sup>municipality</sup> but is under the management and control of a district, or both.

22 (5) ~~Political subdivision~~ <sup>Municipality</sup> means any city other than a 1st class city, <sup>or</sup> any village,  
23 any town, ~~or any county~~ other than a county with a population <sup>greater than</sup> of at least 500,000, <sup>or</sup> 2,500

24 (7) "Sponsoring <sup>municipality</sup> political subdivision" means any <sup>city</sup> other than a 1st class city,  
25 any village, <sup>or</sup> any town, ~~or any county~~ other than a county with a population <sup>greater than</sup> of at least

municipality

SECTION 14

*500,000* that creates a district either separately ~~or~~ in combination with another ~~city~~ *contiguous municipality*  
~~village, town, or county.~~ *and administration*

**229.861 Creation and organization.** (1) Subject to sub. (5), a sponsoring

~~political subdivision~~ may create a special purpose district that is a unit of government, that is a body corporate and politic, that is separate and distinct from, and independent of, the state and the sponsoring ~~political subdivision~~ *or more contiguous municipalities*, and that has the powers under s. 229.863, if the sponsoring ~~political subdivision~~ *does* all of the following:

(a) Adopts an enabling resolution, subject to sub. (2), that does all of the

following:

1. Declares *the* need for establishing the district.
2. Contains findings of public purpose.
3. Contains a detailed description of the boundaries of the proposed district.
4. *Declares an intention to negotiate with a county the termination*

(b) Files copies of the enabling resolution with the clerk of each ~~political subdivision~~ *and county* that is wholly or partly within the boundaries of the proposed district.

(2) Subject to sub. (5), a district ~~may have more than one sponsoring political~~ *shall consist of at least two contiguous*

~~subdivision~~ *municipality shall be* of each sponsoring ~~political subdivision~~ identified in a substantially similar enabling resolution that is adopted by the governing body of each sponsoring ~~political subdivision~~ within a 90-day period beginning with the date of adoption of the first enabling resolution. ~~If an enabling resolution under sub. (1) is adopted after~~

~~October 31 and before January 1, the district may not be created sooner than the 2nd succeeding January 1 following the adoption of the resolution.~~

\*\*\*NOTE: I created the last sentence in sub. (2) in an attempt to carry out your intent to allow towns with a population of less than 2,500 to have an opportunity to opt out of the district. Without this sentence, and with the 90-day window for other political subdivisions to adopt enabling resolutions, there would be no time for such towns to put a referendum on the spring primary ballot. Is this OK?

*Municipality*

*contiguous municipality*

*or more contiguous municipalities*

*municipalities*

*of any agreement entered into under D. 27.075 (1), (2), or (4).*

*municipalities.*

*shall consist of at least two contiguous*

*municipality shall be*

*2*

*consisting of 2 or more contiguous municipalities*

*municipality*

1 (3) A district may also be created, subject to subs. (4) and (5), by a petition and  
2 referendum if all of the following occur:

3 (a) A petition that conforms to the requirements of s. 8.40, which contains a  
4 detailed description and scale map of the proposed district, on the question of the  
5 creation of a district is circulated after ~~October 1st~~ <sup>December 31</sup> and before ~~December 1st~~ <sup>Filed not later than 5 p.m. on the 3rd Tuesday in February</sup> in each  
6 political subdivision that is within the boundaries of the proposed district.

7 (b) The petition is signed by a number of qualified electors residing in the  
8 ~~political subdivision~~ equal to at least 15% of the votes cast for governor in the ~~political~~  
9 ~~subdivision~~ at the last gubernatorial election.

10 (c) The signed petition is ~~presented to~~ <sup>filed with</sup> the clerk of each ~~political subdivision~~ in  
11 which the petition is circulated.

12 (4) If all of the steps in sub. (3) occur, each ~~political subdivision~~ in which  
13 petitions containing the requisite number of signatures are submitted to the clerk  
14 shall hold a referendum at the next succeeding spring election. Subject to sub. (5),  
15 if the question submitted at the referendum is approved by a majority of the electors  
16 who vote in the referendum at the spring election, a special purpose district that is  
17 a unit of government, that is a body corporate and politic, that is separate and  
18 distinct from, and independent of, the state and <sup>each municipality</sup> ~~the political subdivision~~, and that  
19 has the powers under s. 229.863 is created, the boundaries of which include each

20 ~~political subdivision~~ in which the ~~referendum~~ <sup>question</sup> is approved. The referendum question  
21 shall be substantially as follows: "Shall a local park <sup>and recreation</sup> district, the territory of which  
22 includes in whole ~~or in part~~ the .... [name of ~~political subdivision~~], be created?" If a  
23 referendum <sup>question</sup> ~~fails in a~~ <sup>is not approved in at least two</sup> political subdivision, another petition may not be circulated in  
24 that political subdivision sooner than November of the year after the next succeeding  
25 year after the last petition was circulated.

*2 contiguous municipalities, no district may be created.*

SECTION 14

*3. If the members of the board of directors are to be elected, a method of appointing temporary members to serve until the initial members who are elected at the spring election and qualified take office.*  
*under sub. (6) (am)*

*municipalities*

(5) (a) Before a district, the jurisdiction of which contains more than one political subdivision, may be created, the governing bodies of each political subdivision that has adopted a resolution under sub. (1) or in which a referendum question has been approved under sub. (4) shall adopt a resolution or enact an ordinance, not later than September 1 of the year in which the resolution under sub. (1) or the referendum question is approved, that, subject to <sup>par. and (c)</sup> ~~par.~~ (b), contains an agreement among each of the governing bodies which addresses at least all of the following provisions:

1. A mechanism that provides, from each of the <sup>municipalities</sup> ~~political subdivisions~~, <sup>a loan of</sup> start-up funds for the initial operating costs of the district. The <sup>loaned</sup> start-up funds shall be sufficient to sustain the district until it receives the first <sup>amount of proceeds from</sup> ~~payment~~ that is required <sup>a tax that is imposed</sup> ~~to be made~~ under s. 229.863(8).

2. <sup>If the members of the board of directors are to be appointed, a</sup> A method of apportioning the board of director seats under sub. (6) among the ~~political subdivisions~~ <sup>municipalities</sup>.

3. A method to transfer title of the park facilities within their individual jurisdictions to the district.

(b) Before the ~~political subdivisions~~ may consider a resolution or ordinance that is described in par. (a), all of the ~~political subdivisions~~ shall enter into an agreement on the selection of an arbitrator who will decide any of the issues under par. (a) that are not resolved by the ~~political subdivisions~~ by September 1 of the year described under par. (a). If the ~~political subdivisions~~ are unable to reach agreement on any of the items listed in par. (a), the arbitrator shall enter a binding decision, which resolves all such outstanding items, not later than November 1 of the year described under par. (a).

*insert 12-24*

1 (c) If a county is a sponsoring political subdivision or a participating political  
2 subdivision that creates a district under sub. (3), any town with a population of less  
3 than 2,500 in that county may decline to be a part of the district by taking the actions  
4 under par. (d). If a town declines to become part of a district under par. (d), not sooner  
5 than 2 years after the referendum is held under par. (d) the town may become a part  
6 of a district if the petition procedures described under sub. (3) are completed and if  
7 a referendum is approved in the town under sub. (4). If the referendum question is  
8 not approved, not sooner than 2 years after the referendum is held the town may  
9 become a part of a district by following the petition and referendum procedures  
10 described in this paragraph.

\*\*\*\*NOTE: Is it your intent that, if a county creates a district or if a district is created  
in the county, cities and villages would or would not be part of such a district's jurisdiction  
if their governing bodies take no action?

11 (d) If a referendum is scheduled to be held in a county under sub. (4), no later  
12 than 42 days before the spring primary in the year in which the referendum is to be  
13 held the town board of any town in the county may adopt a resolution or enact an  
14 ordinance to hold a referendum on the question of whether the town should become  
15 part of a district that may be created which includes the county in which the town  
16 is located. Such a referendum shall be held concurrently with the spring primary.  
17 If the district may be created under sub. (3), the question shall be substantially as  
18 follows: "Shall the Town of .... [name of town] participate in the referendum to be held  
19 concurrently with the next succeeding spring election on whether a local park district  
20 should be created that includes .... [name of the county in which the town is located]?"  
21 If the question submitted at the referendum is approved, town electors shall  
22 participate in the referendum to be held concurrently with the next succeeding  
23 spring election. If the referendum question is not approved, town electors may not

1 participate in the spring election referendum and the town may not become a part  
2 of a district that may be created. If the district may be created under sub. (1), the  
3 question shall be substantially as follows: "Shall the Town of .... [name of town]  
4 become part of a local park district which may be created and that includes ... [name  
5 of the county in which the town is located]?" If a town elects not to become part of  
6 a district, no later than 42 days before the spring election in any year, other than the  
7 year immediately following the year in which a referendum question is not approved,  
8 the town board may resubmit the question of whether the town shall become a part  
9 of a district at a referendum to be held concurrently with the spring election.  
10 Alternatively, if a number of qualified electors of the town equal to at least 15% of the  
11 votes cast for governor in the town at the last gubernatorial election sign and file a  
12 petition, conforming to the requirements of s. 8.40, with the town clerk no later than  
13 February 12 of any year other than a year following a year in which a referendum  
14 question on the participation of the town in the district is not approved, the town  
15 board shall resubmit the question of the participation of the town in the district to  
16 the electors of the town at a referendum held concurrently with the spring election.  
17 If the referendum question is approved, the town shall become part of the district on  
18 the next succeeding January 1. If the question submitted at the referendum is  
19 approved, the town shall become part of the district which may be created and if the  
20 question submitted at the referendum is not approved, the town may not become part  
21 of the district.

\*\*\*\*NOTE: Is it your intent that if a town does nothing and a county district, which includes a town, is created the town is part of the district?

22 (6) (a) The district is governed by its board of directors. The board of directors  
23 may adopt bylaws to govern the district's activities, subject to this subchapter. The

Except as provided in s. 229.862,

If the members are elected, temporary members shall be appointed according to the agreement reached under sub. (5) (a) 3, or imposed by an arbitrator under sub. (5) (b) to serve until the initial members elected or take office.

at the spring election of qualified

board of directors shall consist of 9 members who are appointed by the chief executive officer of each sponsoring political subdivision or participating political subdivision according to an agreement reached under sub. (5) (a) 2. or imposed by an arbitrator under sub. (5) (b). The first election of members shall occur in April of the year following the year described in sub. (5) (a).

\*\*\*\*NOTE: Do you want to require that the appointees be confirmed by the governing body of a political subdivision?

(b) The terms of the members of the board of directors shall be 3 years, except that the terms of one-third of the initial appointments shall expire on the first Monday in April that is one year following the next succeeding April; one-third of the initial appointments shall expire on the first Monday in June is 2 years following the next succeeding April; and the terms of one-third of the initial appointments shall expire on the first Monday in June that is 3 years following the next succeeding April. Persons appointed under this paragraph (a) may be removed from the board of directors before the expiration of their terms by the appointing authority, but only for cause, as defined in s. 17.16(2). Vacancies for persons appointed under paragraph (a) shall be filled by the appointing authority who appointed the person whose office is vacant. A person appointed to fill a vacancy under paragraph (a) shall serve for the remainder of the term to which he or she is appointed, as provided under s. 17.27(1f).

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

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

INSET  
15-18

SECTION 14

*The board of directors shall assume control of the parks and recreational facilities within the district on the date on which the*

1 Upon the appointment and qualification of a majority of the members of a  
2 board of directors, the board of directors may exercise the powers and duties of a  
3 board of directors under this subchapter.

4 (3) At its first meeting, the board of directors shall name the district.

**229.862 Jurisdiction**

*and expansion*  
The initial jurisdiction of a district shall consist of the  
6 territory of all of the sponsoring *municipalities* political subdivisions that have acted under s.  
7 229.861 (1) and (2) and all of the participating *political subdivisions* that have acted  
8 under s. 229.861 (3) in same year, or within 90 days after the adoption of the first

9 enabling legislation that is described in s. 229.861 (1). The jurisdiction of the district  
10 may be expanded to include *any* other *contiguous municipality* political subdivisions under procedures adopted  
11 by the board of directors *and consistent with an agreement entered into between the board of directors and the municipality* or it may be expanded to include towns with a population

12 of less than 2,500 that follow the procedures described in s. 229.861 (5) (c) and (d) *assets of the municipality*

13 *except that* a district's jurisdiction may not be expanded unless the governing body *of the municipality*  
14 of the *political subdivision* to be included in the expanded jurisdiction *of the district* *of the municipality*  
15 approves the inclusion of the *political subdivision* *municipality* in the district. *under the terms of the agreement, the municipality to be included in the expanded jurisdiction shall be treated in a substantially similar manner to all other municipalities in the district.*

**229.863 Powers of district.**

16 A district has all of the powers necessary or  
17 convenient to carry out the purposes and provisions of this subchapter. In addition  
18 to all other powers granted by this subchapter, a district may do all of the following:

- 19 (1) Adopt and alter an official seal.
- 20 (2) Sue and be sued in its own name, and plead and be impleaded.
- 21 (3) Maintain an office.
- 22 (4) In connection with park facilities:
- 23 (a) Acquire, develop, equip, maintain, improve, operate, and manage the park

facilities.

*a*  
*a* ~~of the~~ electors of *a* ~~municipality~~ *municipality* included in the expanded jurisdiction  
of ~~the~~ district ~~may~~ *may* vote at the ~~election~~ *first election* occurring  
after the effective date of the expansion at which members of the board of directors are  
elected.

*24*  
*for members of the board of directors*

*and resolution*



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

3 (c) Grant concessions.

(d) Operate recreational facilities or programs.

4 (5) Employ personnel, and fix and regulate their compensation; and provide,  
5 either directly or subject to an agreement under s. 66.0301 as a participant in a  
6 benefit plan of another <sup>municipality</sup> ~~political subdivision~~ ~~any employee benefits~~, including an  
7 employee pension plan.

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

11 (7) Set standards governing the use of, and the conduct within, its park  
12 facilities <sup>and recreational facilities</sup> in order to promote public safety and convenience and to maintain order.

13 (8) To carry out its functions, impose, by the adoption of a resolution, the taxes  
14 under subch. V of ch. 77, except that the taxes imposed by the resolution may not take  
15 effect until the resolution is approved by a majority of the electors in the district's  
16 jurisdiction voting on the resolution at a referendum, to be held at the first spring  
17 primary or September primary following, by at least 45 days, the date of adoption of  
18 the resolution. The question shall be: "Shall a sales tax and a use tax be imposed  
19 at the rate of 0.1% in .... [name of the district] for purposes related to park facilities?"

20 The clerk of the district shall publish the notices required under s. 10.06 (4) (c), (f),  
21 and (i) for any referendum held under this subsection. Notwithstanding s. 10.06 (4)  
22 (c), the type A notice under s. 10.01 (2) (a) relating to the referendum is valid even

23 if given and published late as long as it is given and published prior to the election  
24 as early as practicable. A district may not levy any taxes <sup>under this paragraph</sup> that are not expressly  
25 authorized under subch. V of ch. 77. If a board of directors adopts a resolution that

subsection

1 imposes taxes and the resolution is approved by the electors, the district shall deliver  
 2 a certified copy of the resolution to the secretary of revenue at least 30 days before  
 3 its effective date. If a board of directors adopts a resolution that imposes taxes and  
 4 the resolution is not approved by the electors, the district may not adopt another  
 5 resolution that imposes taxes sooner than one year after the resolution was not  
 6 approved.

\*\*\*NOTE: Is the last sentence consistent with your intent?

7 (9) <sup>10</sup> Accept gifts and other aid, which may be used only for the following  
 8 purposes:

9 (a) Maintaining the park facilities.

10 (b) Operating the ~~MASON~~ park facilities.

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

12 (10) <sup>11</sup> Administer the receipt of revenues, and oversee the payment of bills or  
 13 other debts incurred by the district.

14 (11) <sup>12</sup> Change any decision imposed by an arbitrator under s. 229.861 (5) (b).

15 **229.864 Powers and duties of ~~political subdivision~~ <sup>and</sup> municipalities.** (1) The number of  
 16 members of the board of directors specified in s. 229.861 (6) (a) may be changed only  
 17 by an agreement that is approved unanimously by the governing bodies of each  
 18 ~~political subdivision~~ <sup>municipality</sup> that makes up the jurisdiction of the district. <sup>this section</sup>

19 (2) ~~Annually~~ <sup>Except as otherwise provided in this section</sup> the governing bodies of each ~~political subdivision~~ <sup>municipality</sup> that makes up  
 20 the jurisdiction of the district shall forward to the district an amount of money that <sup>may not create a park or expend any funds</sup>  
 21 is at least equal to the amount of money that the political subdivision spent on park <sup>to support a park or recreational facilities after the imposition</sup>  
 22 facilities in its budget in the year before the political subdivision's current fiscal year. <sup>of the taxes described under A. 229.863 (9).</sup>

23 ~~The first payment that is made under this subsection shall be forwarded to the~~

1 district not later than the first day of the 6th month following the first meeting of the  
2 board of directors.

\*\*\*\*NOTE: Do you want to allow any way for a political subdivision to reduce its contribution? For example, should a reduction in contributions be allowed if the governing bodies of all of the political subdivisions in the district agree on a new level of funding from each of them? What if a sales tax is imposed and approved and it generates sufficient revenues to fund the district's budget?

3 (3) In addition to any powers that it may otherwise have, a ~~political subdivision~~ <sup>municipality</sup>  
4 located wholly or partly within a district's jurisdiction may do any of the following:

5 (a) Make ~~grants or~~ <sup>grants</sup> loans to a district upon terms that the ~~political subdivision~~  
6 considers appropriate.

7 (b) ~~Expend public funds to subsidize a district.~~

8 (c) ~~Borrow money under ss. 67.04 and 67.12 (12) for park facilities or to fund~~  
9 ~~grants, loans, or subsidies to a district.~~

10 (b) Lease or transfer property to a district upon terms that the ~~political~~  
11 ~~subdivision~~ <sup>municipality</sup> considers appropriate.

\*\*\*\*NOTE: Is sub. (3) consistent with your intent? The provision is similar to s. 229.69, which applies to local professional baseball park districts, and to s. 229.826, which applies to professional football stadium districts.

12 **229.865 Dissolution of district.** Subject to providing for the payment of its  
13 debts, and the performance of its other contractual obligations, a district may be  
14 dissolved by the action of the board of directors. If the district is dissolved, the board  
15 of directors shall certify to the department of revenue that the district is dissolved,  
16 and the property of the district shall be transferred to the ~~political subdivisions~~ <sup>municipalities</sup> in  
17 the jurisdiction by the board of directors, based on at least all of the following factors:

18 (1) The current value of park facilities transferred by a ~~political subdivision~~  
19 a district. <sup>municipality</sup>

*municipality*

- 1           (2) The amount of money contributed to the district during its existence by a
- 2 ~~political subdivision~~ under s. 229.864 (2).
- 3           (3) The amount of sales tax revenue described under s. 229.863 (8) that is
- 4 collected in each ~~political subdivision~~ during the district's existence.
- 5           (4) The amount of any other contribution made by a ~~political subdivision~~ to a
- 6 district, including any contribution that is made under s. 229.864 (3).
- 7

(END)

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No # The clerk shall administer the affairs of the district, under the direction of the board of directors. Within 7 days after the appointment of any person to the board of directors, the clerk shall notify the person of his or her appointment.

2. This subdivision applies only if the board of directors is elected. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify to the county clerk of each county lying wholly or partially within the district the names of candidates who have filed valid nomination papers for member of the board of directors and who ~~qualify for office~~ <sup>are eligible to have their names appear on the ballot under</sup>. If any municipality lying wholly or partially within the district prepares its own ballots under s. 7.15 (2) (c), the clerk shall similarly certify <sup>the names of candidates</sup> to the municipal clerk. In making these certifications, the clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed under s. 7.08 (2) (a). The clerk shall certify to the county clerk of each county lying wholly or partially within the district the names of candidates who have won nomination to the board of directors and who ~~qualify for office~~ <sup>are eligible to have their names appear on the ballot under</sup>. If any municipality lying wholly or partially within the district prepares its own ballots under s. 7.15 (2) (c), the clerk shall similarly certify <sup>the names of candidates</sup> to the municipal clerk. The clerk shall notify the municipal clerk of each municipality lying wholly or partially within the district of any district election and furnish each municipal clerk with a copy of the notice of the district election. If paper ballots are utilized at a district election, the clerk shall provide each municipal clerk with an adequate supply of ballots for the election at least 22 days before the election. The clerk shall issue certificates of election to persons who are elected to the board of directors after each election in the manner provided under s. 7.53 (4).

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

**INSERT 4-16 B**

**SECTION 1.** 27.01 (3) of the statutes is amended to read:

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

History: 1971 c. 125, 215, 326; 1973 c. 90 s. 538; 1973 c. 245; 1975 c. 365 s. 62; 1977 c. 29, 71, 424; 1979 c. 34, 175; 1981 c. 20, 343; 1983 a. 19; 1983 a. 27 ss. 644 to 674, 2202 (38); 1983 a. 325; 1985 a. 29, 125; 1987 a. 27, 277, 295, 399; 1989 a. 31, 56, 213, 359; 1991 a. 39, 269; 1993 a. 16, 213; 1995 a. 27, 312, 391; 1997 a. 27, 248; 1999 a. 9, 83.

**SECTION 2.** 27.075 (1) of the statutes is amended to read:

27.075 (1) The county board of any county with a population of less than 500,000 is hereby vested with all powers of a local, legislative, and administrative character for the purpose of governing, managing, controlling, improving, and caring for public parks, parkways, boulevards, and pleasure drives; and to carry out these powers in districts which it may create for different purposes, or throughout the county, and for such purposes to levy county taxes, to issue bonds, assessment

certificates, and improvement bonds, or any other evidence of indebtedness. The powers hereby conferred under this section may be exercised by the county board in any ~~town, city or village~~ city, village, or town, or part thereof located in ~~such~~ the county upon the request of any such ~~town, city or village~~ city, village, or town, evidenced by a resolution adopted by a majority vote of the members-elect of its governing body, designating the particular park function, duty, or act, and the terms, if any, upon which the same shall be exercised by the county board. ~~Such~~ The resolution shall state whether the authority or function is to be exercised exclusively by the county or jointly by the county and the ~~town, city or village~~ city, village, or town, and shall also state that the exercise of ~~such~~ the power by the county is in the public interest. Upon the receipt of the resolution, the county board may, by a resolution adopted by a majority vote of its membership, elect to assume the exercise of ~~such~~ the authority or function, upon the terms and conditions set forth in the resolution presented by the ~~town, city or village~~ city, village, or town. A city, village, or town that wishes to create or participate in a local park and recreation district under subch. VI of ch. 229 may negotiate the termination of any agreement entered into with a county under this <sup>subsection</sup> ~~subdivision~~ plain

History: 1973 c. 333; 1983 a. 192.

**SECTION 3.** 27.075 (2) of the statutes is amended to read:

27.075 (2) The county board of any ~~such~~ county may, by a resolution adopted by a majority of its membership, propose to the ~~towns, cities and villages~~ cities, villages, and towns located in ~~such~~ the county, or any of them, that it offers to exercise ~~such~~ the powers and functions ~~therein in order~~ that are necessary to consolidate municipal park services and functions in said the county. ~~Such~~ The resolution shall designate the particular function, duty, <sup>v</sup> or act and the terms and conditions, if any,

upon which the county board will perform the same. The powers conferred in sub. (1) and designated in ~~such~~ <sup>plain</sup> the resolution may thereafter be exercised by the county board in each ~~such town, city or village which shall accept such city, village, or town which accepts the proposal~~ by the adoption of a resolution by a majority vote of the members-elect of its governing body, except that no governing body may accept any proposal described under this subsection unless it contains a provision under which the city, village, or town may terminate its agreement with the county so that it may create or participate in a local park and recreation district under subch. VI of ch. 229.

History: 1973 c. 333; 1983 a. 192.

**SECTION 4.** 27.075 (3) of the statutes is amended to read:

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

History: 1973 c. 333; 1983 a. 192.

**SECTION 5.** 27.075 (4) of the statutes is amended to read:

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



plain

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

~~, and if a city has a board of park commissioners it shall terminate that board and end its authority under this section upon the city's creation of or participation in a local park and recreation district under subch. VI of ch. 229.~~

History: 1973 c. 333; 1983 a. 192.

SECTION 6. 27.08 (1) of the statutes is amended to read:

27.08 (1) Every city ~~which~~ <sup>that</sup> is not part of a local park and recreation district under subch. VI of ch. 229 may by ordinance create a board of park commissioners subject to this section, or otherwise as provided by ordinance. ~~Such~~ <sup>the</sup> board shall be organized as ~~required~~ <sup>directed</sup> by the common council shall provide.

History: 1985 a. 225 s. 100; 1987 a. 354.

SECTION 7. 27.08 (3) of the statutes is amended to read:

27.08 (3) ~~In any city having no~~ <sup>its</sup> ~~If a city does not have a board of park commissioners and is not part of a local park and recreation district under subch. VI of ch. 229,~~ <sup>the city's</sup> public parks, parkways, boulevards, and pleasure drives shall be under the charge of its board of public works, if it has such last named board; otherwise or, if it does not have such a board, under the charge of its common council. When so

the city

them

in charge, the board of public works or the common council may exercise all the powers of a board of park commissioners.

History: 1985 a. 225 s. 100; 1987 a. 354.

**INSERT 12-24**

*upon creation of or participation in a local park and recreation district under subch. II of ch. 229, the city's board of public works or common council may not exercise any authority under this section.*

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

**INSERT D-NOTE**

*that we have*

Please review carefully the statute I've amended in ch. 27 and the new language in s. 229.861 (5) (c). *We* believe that the language in par. (c) is needed to protect counties that may have issued bonds to purchase parks in cities, villages, or towns that the county is managing under a contract entered into with a municipality under s. 27.075.

Your instructions relating to the election of the members of a park district board of directors stated that each participating municipality should decide whether its directors should be elected at-large or by district. You should know that if a municipality where relatively large numbers of minority group members reside opts to elect its directors at-large the procedure may violate Section 2 of the federal Voting Rights Act, 42 USC 1973 (Section 2). Section 2, which protects the right to vote guaranteed by the 15th Amendment, prohibits any political subdivision from imposing any voting practice that results in the denial or abridgment of any U.S.

*Does s. 229.863 (4) (a) relating to "recreational facilities or programs" meet your intent? Do you want a district to be able to "acquire, develop, equip, maintain, improve, operate and manage" such facilities?*

*local recreation*  
*appointed*  
*Please note*

citizen's right to vote on account of race, color, or status as a member of a language minority group. In a particular municipality, the voting strength of a politically cohesive and geographically compact minority group may be lessened by placing the minority group in an at-large district where the majority may elect its preferred candidates and the minority group cannot elect its preferred candidates. Under the caselaw of the U.S. Supreme Court, this result may constitute a violation of Section

2. See, for example, *Thornburg v. Gingles*, 478 U.S. 30 (1986).

*Mass of a concern under the current draft, which does not apply to the*

*City of Milwaukee or Milwaukee County.*

AMZ  
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TP

To expedite the production of this draft, we have made some assumptions concerning your intent that may not be accurate. Please note the following and let us know if you desire any changes:

1. Under this draft, the nomination paper signature requirement under 8.10 (3) (L), applies to a candidate for member of the board of directors of a local park and recreation district. In order to qualify for nomination, the candidate's nomination papers must contain at least 20 but not more than 100 signatures.

stats. 127  
(unspecified offices)

2. Under this draft, the contribution limits under s. 11.26 (1) (d) and (2) (e), stats., apply to a candidacy for member of the board of directors of a local park and recreation district. These contribution limits currently apply to campaigns for local office generally. In addition, under the draft, the disbursement (expenditure) limit under s. 11.31 (1) (h), stats., will apply if a candidate for board member voluntarily agrees to abide by the limit. This disbursement limit currently applies to any candidate for local office in a jurisdiction or from a district with a population of less than 500,000, if the candidate voluntarily agrees to abide by the limit.

3. The draft provides a mechanism for filling vacancies, removing board members for cause, and recalling board members. Please review proposed ss. 17.27 (1f), 17.13 (3), and 9.10 (1) (a) and (b), (2) (b), and (4) (a).

4. There may be a considerable period of time between the date on which the ordinances creating a local park district are in place and the date on which the spring election is held where the initial board of directors is elected (if the board is elected). In order to allow the local park district to begin operating during this time period, this draft provides for the initial appointment of a temporary board of directors, which will serve until the initial members of the board of directors are elected at the spring election. See proposed ss. 17.27 (1f) (a) and 229.861 (5) (a) 3. and (6) (a).

Keep comma

and recreation  
15. This draft requires the elections board to certify the results of any local park and recreation district nomination papers filed by any candidate for member of the board of directors of a local park and recreation district. The treatment is similar to the treatment of the office of metropolitan sewerage commissioner. Another option would be to treat the office similar to a joint municipal judgeship in which cases nomination papers are filed with the municipal clerk and the election results certified by the county board of canvassers. Add Drafter's signature times district

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Under the bill, the district may also levy a property tax on the property located in the district. However, the district must lower the property tax levy by the amount of any sales tax and use tax imposed by the district that was collected in the previous year.

Insert 18 - 6

XXXX

1 (9) To carry out its functions, levy a tax on the taxable property in the district,  
2 as equalized by the department of revenue under s. 70.57, except that in any year the  
3 tax levy rate ~~shall~~ <sup>may</sup> (not exceed ~~1~~ mill for each dollar of the district's equalized  
4 valuation, as determined under s. 70.57, and the district shall decrease the tax levy  
5 in any year by the amount of any taxes imposed under sub. (8) <sup>that is</sup> collected in the  
6 immediately preceding year. The tax levy shall be applied to the respective real  
7 property and personal property tax rolls of the city, village, and towns included in the  
8 district and shall not be included within any limitation on county or municipal  
9 taxes. Collected taxes levied under this paragraph shall be paid to the district  
10 treasurer. STED

\*\*\*\*NOTE: What should the mill rate limit be? You may want to consult the Legislative Fiscal Bureau to determine the appropriate limit.

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1 SECTION 1. 5.02 (21) of the statutes is amended to read:

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

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93; 1977 c. 107, 187, 394; 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260 ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a. 5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35.

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

8 5.58 (1u) BOARD OF DIRECTORS OF CERTAIN LOCAL PARK AND RECREATION DISTRICTS.

9 Except as authorized in s. 5.655, there shall be a separate ballot for members of the  
10 board of directors of any local park and recreation district, if members are elected  
11 under s. 229.861 (6) (a). Arrangement of the names on the ballot shall be determined  
12 by the local park and recreation district clerk provided under  
13 "Official Primary Ballot for Member of the Board of Directors of the Local Park and  
14 Recreation District."

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

16 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,  
17 for any judicial office, or for any elected seat on a metropolitan sewerage commission  
18 or town sanitary district commission; in counties having a population of 500,000 or  
19 more only 2 candidates for member of the board of supervisors within each district;,  
20 in counties having a population of less than 500,000 only 2 candidates for each  
21 member of the county board of supervisors from each district or numbered seat or  
22 only 4 candidates for each 2 members of the county board of supervisors from each

1 district whenever 2 supervisors are elected to unnumbered seats from the same  
 2 district; in 1st class cities only 2 candidates for any at-large seat and only 2  
 3 candidates from any election district to be elected to the board of school directors;  
 4 in school districts electing school board members to numbered seats, or pursuant to  
 5 an apportionment plan or district representation plan, only 2 school board  
 6 candidates for each numbered seat or within each district; in a local park and  
 7 recreation district, twice as many candidates as are to be elected members of the  
 8 board of directors of the local park and recreation district; and twice as many  
 9 candidates as are to be elected members of other school boards or other elective  
 10 officers receiving the highest number of votes at the primary shall be nominees for  
 11 the office at the spring election. Only their names shall appear on the official spring  
 12 ballot.

History: 1971 c. 304 ss. 6 to 8, 29 (2); 1973 c. 134, 243; 1973 c. 334 s. 37 (2); 1973 c. 340; 1975 c. 93; 1977 c. 187, 272, 445, 449; 1979 c. 32, 221, 260; 1981 c. 20, 377; 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29 s. 3202 (56); 1985 a. 89, 225; 1985 a. 304 ss. 27, 27m, 155; 1989 a. 192, 290; 1991 a. 5; 1993 a. 266; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 201, 219; 1997 a. 35; 1999 a. 150 s. 672; 1999 a. 182.

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

14 5.60 (6u) BOARD OF DIRECTORS OF CERTAIN LOCAL PARK AND RECREATION DISTRICTS.

15 Except as authorized in s. 5.655, a separate ballot shall list the names of all  
 16 candidates for member of the board of directors of any local park and recreation  
 17 district, if members are elected under s. 229.861 (6) (a). Arrangement of the names  
 18 on the ballot shall be determined by the local park and recreation district clerk provided under ~~board~~ in the manner ~~specified in~~ sub. (1) (b).

19 The ballot shall be entitled "Official Ballot for Member of the Board of Directors of  
 20 the Local Park and Recreation District."

21 SECTION 5. 7.51 (3) (a) of the statutes is amended to read:

22 7.51 (3) (a) The inspectors shall place together all ballots counted by them  
 23 which relate to any national, state or county office; member of the board of directors  
 24 of any local park and recreation district board; or any state, county or technical

1 college district referendum and secure them together so that they cannot be untied  
 2 or tampered with without breaking the seal. The secured ballots together with any  
 3 ballots marked "Defective" shall then be secured by the inspectors in the ballot  
 container in such a manner that the container cannot be opened without breaking  
 the seals or locks, or destroying the container. The inspectors shall deliver the ballots  
 to the municipal clerk in the container.

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History: 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 a. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182.

7 **SECTION 6. 7.51 (5) of the statutes is amended to read:**

8 7.51 (5) RETURNS. The inspectors shall make full and accurate return of the  
 9 votes cast for each candidate and proposition on tally sheet blanks provided by the  
 10 municipal clerk for the purpose. Each tally sheet shall record the returns for each  
 11 office or referendum by ward, unless combined returns are authorized in accordance  
 12 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group  
 13 of combined wards. After recording the votes, the inspectors shall seal in a carrier  
 14 envelope outside the ballot bag or container one inspectors' statement under sub. (4)  
 15 (a), one tally sheet, and one poll or registration list for delivery to the county clerk,  
 16 unless the election relates only to municipal or school district offices or referenda.

17 The inspectors shall also similarly seal one inspectors' statement, one tally sheet, and  
 18 one poll or registration list for delivery to the municipal clerk. For school district  
 19 elections, except in 1st class cities, the inspectors shall similarly seal one inspectors'  
 20 statement, one tally sheet, and one poll or registration list for delivery to the school

21 district clerk. The inspectors shall immediately deliver all ballots, statements, tally  
 22 sheets, lists, and envelopes to the municipal clerk. The municipal clerk shall arrange  
 23 for delivery of all ballots, statements, tally sheets, lists, and envelopes relating to a  
 24 school district election to the school district clerk. The municipal clerk shall deliver

For local park and recreation district elections, the inspectors shall similarly seal one inspectors' statements, one tally sheet, and one poll or registration list for delivery to the local park and recreation district clerk. respectively



1 the ballots, statements, tally sheets, lists, and envelopes for his or her municipality  
 2 relating to any county, technical college district, local park and recreation district,  
 3 state, or national election to the county clerk by 2 p.m. on the day following each such  
 4 election. The person delivering the returns shall be paid out of the municipal  
 5 treasury. Each clerk receiving ballots, statements, tally sheets, or envelopes shall  
 6 retain them until destruction is authorized under s. 7.23 (1).

History: 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182.

7 **SECTION 7. 7.60 (4) (a) of the statutes is amended to read:**

8 7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
 9 showing the numbers of votes cast for the offices of president and vice president; state  
 10 officials; U.S. senators and representatives in congress; state legislators; justice;  
 11 court of appeals judge; circuit judges; district attorneys; member of the board of  
 12 directors of a local park and recreation district, if the members are elected under s.  
 13 229.861 (6) (a); and metropolitan sewerage commissioners, if the commissioners are  
 14 elected under s. 200.09 (11) (am). If a municipal judge elected under s. 755.01 (4)  
 15 serves a municipality that is located partially within the county and candidates for  
 16 that judgeship file nomination papers in another county, the board of canvassers  
 17 shall prepare a duplicate statement showing the numbers of votes cast for that  
 18 judgeship in that county for transmittal to the other county. For partisan candidates,  
 19 the statements shall include the political party or principle designation, if any, next  
 20 to the name of each candidate. The board of canvassers shall also prepare a  
 21 statement showing the results of any county, technical college district or statewide  
 22 referendum. Each statement shall state the total number of votes cast in the county  
 23 for each office; the names of all persons for whom the votes were cast, as returned;  
 24 the number of votes cast for each person; and the number of votes cast for and against

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1 any question submitted at a referendum. The board of canvassers shall use one copy  
2 of each duplicate statement to report to the elections board, technical college district  
3 board or board of canvassers of any other county and shall file the other statement  
4 in the office of the county clerk or board of election commissioners.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 14, 57; 1975 c. 93, 199; 1977 c. 187, 427, 449; 1979 c. 221, 260, 355; 1981 c. 4; 1983 a. 442, 484, 538; 1985 a. 89, 304, 332;  
1987 a. 391; 1989 a. 31; 1991 a. 316; 1993 a. 399; 1999 a. 150 s. 672; 1999 a. 182.

5 **SECTION 8. 7.60 (5) of the statutes is amended to read:**

6 **7.60 (5) REPORTING.** Immediately following the canvass the county clerk shall  
7 deliver or send to the elections board, by 1st class mail, a certified copy of each  
8 statement of the county board of canvassers for president and vice president; state  
9 officials; senators and representatives in congress; state legislators; justice; court of  
10 appeals judge; circuit judge; district attorney; member of the board of directors of a  
11 local park and recreation district, if the members are elected under s. 229.861 (6) (a);  
12 and metropolitan sewerage commissioners, if the commissioners are elected under  
13 s. 200.09 (11) (am). The statement shall record the returns for each office or  
14 referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in  
15 which case the statement shall record the returns for each group of combined wards.  
16 Following primaries the county clerk shall enclose on blanks prescribed by the  
17 elections board the names, party or principle designation, if any, and number of votes  
18 received by each candidate recorded in the same manner. The county clerk shall  
19 deliver or transmit the certified statement to the elections board no later than 7 days  
20 after each primary and no later than 10 days after any other election. The board of  
21 canvassers shall deliver or transmit a certified copy of each statement for any  
22 technical college district referendum to the secretary of the technical college district  
23 board. If the board of canvassers becomes aware of a material mistake in the canvass  
24 of an election for state or national office or a statewide or technical college district

1 referendum prior to the close of business on the day the elections board receives  
 2 returns from the last county board of canvassers with respect to that canvass, the  
 3 board of canvassers may petition the elections board to reopen and correct the  
 4 canvass. The elections board shall direct the canvass to be reopened and corrected  
 5 if it determines that the public interest so requires. If the elections board directs the  
 6 canvass to be reopened, the board of canvassers shall reconvene and transmit a  
 7 certified corrected copy of the canvass statement to the elections board or secretary  
 8 of the technical college district board.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 14, 57; 1975 c. 93, 199; 1977 c. 187, 427, 449; 1979 c. 221, 260, 355; 1981 c. 4; 1983 a. 442, 484, 538; 1985 a. 89, 304, 332; 1987 a. 391; 1989 a. 31; 1991 a. 316; 1993 a. 399; 1999 a. 150 s. 672; 1999 a. 182.

9 **SECTION 9. 7.70 (3) (d) of the statutes is amended to read:**

10 7.70 (3) (d) When the certified statements and returns are received, the  
 11 chairperson of the board or the chairperson's designee shall proceed to examine and  
 12 make a statement of the total number of votes cast at any election for the offices  
 13 involved in the election for president and vice president; a statement for each of the  
 14 offices of governor, lieutenant governor, if a primary, and a joint statement for the  
 15 offices of governor and lieutenant governor, if a general election; a statement for each  
 16 of the offices of secretary of state, state treasurer, attorney general, and state  
 17 superintendent; for U.S. senator; representative in congress for each congressional  
 18 district; the state legislature; justice; court of appeals judge; circuit judge; district  
 19 attorney; member of the board of directors of a local park and recreation district, if  
 20 the members are elected under s. 229.861 (6) (a); metropolitan sewerage commission,  
 21 if the commissioners are elected under s. 200.09 (11) (am); and for any referenda  
 22 questions submitted by the legislature.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 15, 57; 1975 c. 93, 199; 1977 c. 107, 187, 427, 449; 1979 c. 221, 260, 328; 1983 a. 484; 1985 a. 89, 304; 1987 a. 391; 1989 a. 31, 192; 1995 a. 16 s. 2; 1997 a. 27; 1999 a. 150 s. 672; 1999 a. 182.

23 **SECTION 10. 7.70 (6) of the statutes is created to read:**

1           7.70 (6) BOARD OF DIRECTORS OF CERTAIN LOCAL PARK AND RECREATION DISTRICTS.

2           The elections board shall give <sup>transmit</sup> a copy of the certified determination of the chairperson  
3           of the board for the election of each member of the board of directors of a local park  
4           and recreation district that is elected under s. 229.861 (6) (a) to the chief executive  
5           officer of each city, village, and town that has territory within the jurisdiction of the  
6           local park and recreation district.

with the local park and recreation district clerk

7           SECTION 11. 8.10 (6) (e) of the statutes is created to read:

8           8.10 (6) (e) For members of the board of directors of a local park and recreation  
9           district, if the members are elected under s. 229.861 (6) (a), in the office of the board,

10          SECTION 12. 8.11 (2f) of the statutes is created to read:

11          8.11 (2f) BOARD OF DIRECTORS OF CERTAIN LOCAL PARK AND RECREATION DISTRICTS.  
12          If the board of directors of a local park and recreation district is elected under s.  
13          229.861 (6) (a), a primary shall be held in the local park and recreation district  
14          whenever there are more than twice the number of candidates to be elected members  
15          of the board of directors.

16          SECTION 13. 8.50 (intro.) of the statutes is amended to read:

17          8.50 Special elections. (intro.) Unless otherwise provided, this section  
18          applies to filling vacancies in the U.S. senate and house of representatives;  
19          executive state offices except the offices of governor, lieutenant governor, and district  
20          attorney; judicial and legislative state offices; county offices; and the offices of  
21          municipal judge, member of the board of directors of a local park and recreation  
22          district, if the member is elected under s. 229.861 (6) (a), and member of the board  
23          of school directors in school districts organized under ch. 119. State legislative offices  
24          may be filled in anticipation of the occurrence of a vacancy whenever authorized in  
25          sub. (4) (e). No special election may be held after February 1 preceding the spring

1 election unless it is held on the same day as the spring election, nor after September  
 2 1 preceding the general election unless it is held on the same day as the general  
 3 election, until the day after that election. If the special election is held on the day  
 4 of the general election, the primary for the special election, if any, shall be held on  
 5 the day of the September primary. If the special election is held on the day of the  
 6 spring election, the primary for the special election, if any, shall be held on the day  
 7 of the spring primary.

History: 1971 c. 1, 40; 1973 c. 334 ss. 22, 57; 1973 c. 336; 1975 c. 80, 93, 199, 369; 1977 c. 26, 107, 187, 340, 427, 445, 447, 449; 1979 c. 27, 32, 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 359; 1993 a. 184; 1995 a. 16, s. 2; 1999 a. 182.

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

9 9.10 (1) (a) The qualified electors of the state,; of any county, city, village, or  
 10 town,; of any congressional, legislative, judicial, or school district,; of any local park  
 11 and recreation district, if the board of directors of the local park and recreation  
 12 district is elected under s. 229.861 (6) (a); or of any prosecutorial unit may petition  
 13 for the recall of any incumbent elective official by filing a petition with the same  
 14 official or agency with whom nomination papers or declarations of candidacy for the  
 15 office are filed demanding the recall of the officeholder.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182.

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

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

1 least 25% of the vote cast for the office of president at the last election within the same  
2 district or territory as that of the officeholder being recalled.

3 History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182.

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

4 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless  
5 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the  
6 filing officer with whom the petition is filed. The petitioner shall append to the  
7 registration a statement indicating his or her intent to circulate a recall petition, the  
8 name of the officer for whom recall is sought and, in the case of a petition for the recall  
9 of a city, village, town, local park and recreation district, or school district officer, a  
10 statement of a reason for the recall which is related to the official responsibilities of  
11 the official for whom removal is sought. No petitioner may circulate a petition for  
12 the recall of an officer prior to completing registration. The last date ~~that~~ <sup>on which</sup> a petition  
13 for the recall of a state, congressional, legislative, judicial, <sup>v</sup> or county officer may be  
14 offered for filing is 5 p.m. on the 60th day commencing after registration. The last  
15 date ~~that~~ <sup>on which</sup> a petition for the recall of a city, village, town, local park and recreation district,  
16 or school district officer may be offered for filing is 5 p.m. on the 30th day commencing after registration. After  
17 the recall petition has been offered for filing, no name may be added or removed. No  
18 signature may be counted unless the date of the signature is within the period  
19 provided in this paragraph.

20 History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182.

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

21 9.10 (3) (a) This subsection applies to the recall of all elective officials other  
22 than city, village, town, local park and recreation district, and school district officials.

1 City, village, town, local park and recreation district, and school district officials are  
2 recalled under sub. (4).

3 History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182.

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

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

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

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182.

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

13 9.10 (4) (d) The governing body, school board, <sup>or</sup> board of election  
 14 commissioners, upon receiving the certificate or copy of the certificate issued under  
 15 par. (a), shall call an election on the Tuesday of the 6th week commencing after the  
 16 date of the certificate. If Tuesday is a legal holiday, the recall election shall be held  
 17 on the first day after Tuesday which is not a legal holiday.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182.

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

19 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of  
 20 article XIII, section 12, of the constitution and to extend the same rights to electors  
 21 of cities, villages, towns, local park and recreation districts, and school districts.

History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315; 1999 a. 182.

SECTION 21. 11.31 (1) (h) (intro.) of the statutes is amended to read:

23 11.31 (1) (h) (intro.) Candidates for any local office, who are elected from a  
 24 jurisdiction or district with less than 500,000 inhabitants according to the latest

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1 federal census or census information on which the district is based, as certified by  
2 the appropriate filing officer, and candidates for member of the board of directors of  
3 a local park and recreation district, if the members of the board of directors are  
4 elected under s. 229.861 (6) (a), an amount equal to the greater of the following:

History: 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230; 1999 a. 83.

5 SECTION 22. 17.01 (11m) of the statutes is created to read:

6 17.01 (11m) <sup>(a)</sup> By a member of the board of directors of a local park and  
7 recreation district, if the member is elected under s. 229.861 (6) (a), to the board of  
8 directors. The board of directors shall immediately give a copy of each resignation  
9 under this ~~subdivision~~ <sup>paragraph</sup> to the elections board and to the chief executive officer of each  
10 municipality that has territory within the jurisdiction of the district.

11 <sup>(b)</sup> By a member of the board of directors of a local park and recreation district,  
12 if the member is appointed under s. 229.861 (6) (a), to the chief executive officer of  
13 each city, village, and town that has territory within the jurisdiction of the district.

14 ~~SECTION 23. 17.13 (title) of the statutes is amended to read:~~

15 ~~17.13 (title)~~ **Removal of village, town, town sanitary district, school**  
16 **district, technical college and family care district, and local park and**  
17 **recreation district officers.**

History: 1971 c. 154; 1977 c. 449; 1983 a. 532; 1993 a. 399; 1995 a. 34, 225; 1999 a. 9.

18 SECTION 24. 17.13 (intro.) of the statutes is amended to read:

19 17.13 (intro.) Officers of towns, town sanitary districts, villages, school  
20 districts, technical college districts ~~and~~ <sup>2</sup> family care districts, and local park and  
21 recreation districts may be removed as follows:

History: 1971 c. 154; 1977 c. 449; 1983 a. 532; 1993 a. 399; 1995 a. 34, 225; 1999 a. 9.

22 SECTION 25. 17.13 (3) of the statutes is amended to read:

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

History: 1971 c. 154; 1977 c. 449; 1983 a. 532; 1993 a. 399; 1995 a. 34, 225; 1999 a. 9.

7           **SECTION 26.** 17.27 (1f) of the statutes is created to read:

8           17.27 (1f) BOARD OF DIRECTORS OF LOCAL PARK AND RECREATION DISTRICTS. (a)1.

9 ~~Except as provided in subd. 2,~~ if the members of the board of directors of a local park  
 10 and recreation district are elected under s. 229.861 (6) (a), a vacancy in the office of  
 11 any member of the board of directors shall be filled as provided under this  
 12 ~~subdivision.~~ <sup>paragraph</sup> Except as provided in s. 9.10, a vacancy may be filled by temporary  
 13 appointment of the remaining members of the board of directors. The temporary  
 14 appointee shall serve until a successor is elected and qualified. If the vacancy occurs  
 15 in any year after the first Tuesday in April and on or before December 1, the vacancy  
 16 shall be filled for the residue of the unexpired term, if any, ~~at a special election held~~  
 17 on the date of the next spring election. If the vacancy occurs in any year after  
 18 December 1 or on or before the first Tuesday in April, the vacancy shall be filled for  
 19 the residue of the unexpired term, if any, ~~at a special election held on the date of the~~  
 20 2nd succeeding spring election. ~~A special election held under this subdivision shall~~  
 21 ~~comply with the procedures under s. 8.50, so far as applicable.~~

22 (am) 2) If the members of the board of directors of a local park and recreation district  
 23 are elected under s. 229.861 (6) (a), the initial members of the board of directors shall  
 24 be appointed according to the agreement reached under s. 229.861 (5) (a) 3. or

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1 imposed by an arbitrator under s. 229.861 (5) (b), to serve until the initial members  
2 who are elected at the spring election and qualified take office. *per notes*

3 (b) If the members of the board of directors of a local park and recreation district  
4 are appointed under s. 229.861 (6) (a), a vacancy in the office of any member of the  
5 board of directors shall be filled by appointment in the same manner as is provided  
6 for the appointment of the other members.

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7 **SECTION 27.** 25.50 (1) (d) of the statutes is amended to read:

8 25.50 (1) (d) "Local government" means any county, town, village, city, power  
9 district, sewerage district, drainage district, town sanitary district, public inland  
10 lake protection and rehabilitation district, local professional baseball park district  
11 created under subch. III of ch. 229, family care district under s. 46.2895, local  
12 professional football stadium district created under subch. IV of ch. 229, local  
13 cultural arts district created under subch. V of ch. 229, local park and recreation  
14 district created under subch. VI of ch. 229, public library system, school district or  
15 technical college district in this state, any commission, committee, board, or officer  
16 of any governmental subdivision of this state, any court of this state, other than the  
17 court of appeals or the supreme court, or any authority created under s. 231.02,  
18 233.02 or 234.02.

~~NOTE: NOTE: Par. (d) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~

History: 1975 c. 164; 1977 c. 29, 187; 1979 c. 34 s. 2102 (46) (a); 1979 c. 175 s. 53, 1981 c. 20, 93; 1983 a. 27 s. 2202 (45), (49); 1985 a. 29 s. 3202 (46); 1987 a. 27; 1989 a. 31, 159, 336; 1991 a. 33, 39; 1993 a. 16, 399; 1995 a. 27, 56, 274; 1999 a. 9, 65, 83, 167; s. 13.93 (2) (c).

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1452/P2nsB  
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INSERT 3-6

**SECTION 1.** 5.68 (2) of the statutes is amended to read:

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

History: 1979 c. 260, 311, 355; 1985 a. 304; 1993 a. 399; 1999 a. 182.

**SECTION 2.** 5.68 (3) of the statutes is amended to read:

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

History: 1979 c. 260, 311, 355; 1985 a. 304; 1993 a. 399; 1999 a. 182.

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

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

**History:** 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182.

**SECTION 4.** 7.51 (3) (d) of the statutes is amended to read:

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

**History:** 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182.

**SECTION 5.** 7.51 (4) (b) of the statutes is amended to read:

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

**History:** 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182.

INSERT 4-6

**SECTION 6.** 7.53 (3m) of the statutes is created to read:

7.53 (3m) LOCAL PARK AND RECREATION DISTRICT ELECTIONS. If the members of the board of directors of a local park and recreation district are elected under s. 229.861 (6) (a), the local park and recreation district clerk shall appoint 2 qualified electors of the district prior to the date of the election being canvassed who shall, with the clerk, constitute the local park and recreation district board of canvassers. The clerk shall appoint a member to fill any temporary vacancy on the board of canvassers. The canvass shall begin as soon as possible after receipt of the returns and shall continue, without adjournment, until completed. The board of canvassers may return defective returns to the municipal board of canvassers in the manner provided in s. 7.60 (3). The board of canvassers shall prepare a written statement showing the numbers of votes cast for each person for each office and shall prepare a determination showing the names of the persons who are elected to the board of directors. Following each primary election, the board of canvassers shall prepare a statement certifying the names of the persons who have won nomination to the board of directors. Each statement and determination shall be attested by each of the canvassers. The board of canvassers shall file each statement and determination in the local park and recreation district office. ~~The clerk shall certify nominations after each primary and issue certificates of election to persons who are elected to the board of directors after each election in the manner provided in sub. (4).~~

INSERT 11-21

SECTION 7. 10.05 of the statutes is amended to read:

**10.05 Posting of notice.** Unless specifically designated elsewhere, this section applies to villages, towns and, school districts, and local park and recreation districts. Whenever a notice is required to be published, a village, town or, school

district, or local park and recreation district may post 3 notices in lieu of publication under ch. 985 whenever there is not a newspaper published within the village, town or school district, or local park and recreation district or whenever the governing body of the village, town or school district, or local park and recreation district chooses to post in order to supplement notice provided in a newspaper. Whenever the manner of giving notice is changed by the governing body, the body shall give notice of the change in the manner used before the change. Whenever posting is used, the notices shall be posted no later than the day prescribed by law for publication, or if that day falls within the week preceding the election to be noticed, at least one week before the election. All notices given for the same election shall be given in the same manner.

History: 1987 a. 391.

**SECTION 8.** 10.07 (1) of the statutes is amended to read:

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

History: 1977 c. 427; 1979 c. 311; 1985 a. 304 ss. 130m, 156.

**SECTION 9.** 11.02 (8) of the statutes is created to read:

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

*grammar*

*and one or more*

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or  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1452/P2dn  
RJM&JTK&MES:kmg:rs

July 6, 2001

Please review carefully the statutes that we have amended in ch. 27 and the new language in s. 229.861 (5) (c). We believe that the language in par. (c) is needed to protect counties that may have issued bonds to purchase parks in cities, villages, or towns that the county is managing under a contract entered into with a municipality under s. 27.075.

Does s. 229.863 (4) (a), relating to "recreational facilities or programs" meet your intent? Do you want a district to be able to "acquire, develop, equip, maintain, improve, operate, and manage" such facilities?

Your instructions relating to the election of the members of a local park and recreation district board of directors stated that each participating municipality should decide whether its directors should be elected at-large or appointed. Please note that if a municipality where relatively large numbers of minority group members reside opts to elect its directors at-large the procedure may violate Section 2 of the federal Voting Rights Act, 42 USC 1973 (Section 2). Section 2, which protects the right to vote guaranteed by the 15th Amendment, prohibits any political subdivision from imposing any voting practice that results in the denial or abridgment of any U.S. citizen's right to vote on account of race, color, or status as a member of a language minority group. In a particular municipality, the voting strength of a politically cohesive and geographically compact minority group may be lessened by placing the minority group in an at-large district where the majority may elect its preferred candidates and the minority group cannot elect its preferred candidates. Under the caselaw of the U.S. Supreme Court, this result may constitute a violation of Section 2. See, for example, *Thornburg v. Gingles*, 478 U.S. 30 (1986).

To expedite the production of this draft, we have made some assumptions concerning your intent that may not be accurate. Please note the following and let us know if you desire any changes:

1. Under this draft, the nomination paper signature requirement under s. 8.10 (3) (L), stats., (unspecified offices) applies to a candidate for member of the board of directors of a local park and recreation district. In order to qualify for nomination, the candidate's nomination papers must contain at least 20 but not more than 100 signatures.
2. Under this draft, the contribution limits under s. 11.26 (1) (d) and (2) (e), stats., apply to a candidacy for member of the board of directors of a local park and recreation



district. These contribution limits currently apply to campaigns for local office generally. In addition, under the draft, the disbursement (expenditure) limit under s. 11.31 (1) (h), stats., will apply if a candidate for board member voluntarily agrees to abide by the limit. This disbursement limit currently applies to any candidate for local office in a jurisdiction or from a district with a population of less than 500,000, if the candidate voluntarily agrees to abide by the limit.

3. The draft provides a mechanism for filling vacancies, removing board members for cause, and recalling board members. Please review proposed ss. 9.10 (1) (a) and (b), (2) (d), and (4) (a), 17.13 (3), and 17.27 (1f).

4. There may be a considerable period of time between the date on which the ordinances creating a local park and recreation district are in place and the date on which the spring election is held where the initial board of directors is elected (if the board is elected). In order to allow the local park and recreation district to begin operating during this time period, this draft provides for the initial appointment of a temporary board of directors, which will serve until the initial members of the board of directors are elected at the spring election. See proposed ss. 17.27 (1f) (a) and 229.861 (5) (a) 3. and (6) (a).

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7-10-01

Tcf Rep. Huber re: 1452/P2

- ① Remove appointment process, except for initial, temporary board
- ② Tax referenda must be concurrent w/ special election, spring primary, spring election, sept. primary, or general election
- ③ Re: rate on pg. 35 - use .6 mill rate
- ④ Limit power to vary from arbitrator's decision to elected bd of directors (not temporary appointed board).

Do as "P3"

## Shovers, Marc

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**From:** Marchant, Robert  
**Sent:** Tuesday, July 10, 2001 10:18 AM  
**To:** Shovers, Marc  
**Cc:** Kuesel, Jeffery  
**Subject:** Huber park district draft

Marc--

Representative Huber called me and requested a few changes to his draft. Jeff and I will take care of the election-related changes and will then forward the draft to you. You should then make the following changes: (a) Regarding the note on pg. 35, use "a point six mill rate" and (b) Specify that the elected, and not the temporarily appointed, board of directors has the power to vary from the arbitrator's decisions.

You know the time frame Huber is on. He'd like this version to be a "P3."

**Robert J. Marchant**

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