

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2001 ASSEMBLY BILL 601**

January 3, 2002 – Offered by COMMITTEE ON STATE AND LOCAL FINANCE (SELECT).

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

1           79.03 (3) (b) 4. ad. and subchapter VI of chapter 229 [precedes 229.86] of the  
2           statutes; **relating to:** authorizing the creation of a local park and recreation  
3           district, authorizing a local park and recreation district to levy a property tax,  
4           authorizing a local park and recreation district to apply for funding from  
5           certain programs that receive funding from the stewardship 2000 program, and  
6           authorizing a local park and recreation district to impose impact fees and issue  
7           debt.

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

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

9           5.02 (21) “Spring election” means the election held on the first Tuesday in April  
10          to elect judicial, educational, and municipal officers, nonpartisan county officers,  
11          sewerage commissioners, and members of the board of directors of local park and  
12          recreation districts and to express preferences for the person to be the presidential  
13          candidate for each party.

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

15          5.58 (1u) BOARD OF DIRECTORS OF LOCAL PARK AND RECREATION DISTRICTS. Except  
16          as authorized in s. 5.655, there shall be a separate ballot for members of the board  
17          of directors of any local park and recreation district. Arrangement of the names on  
18          the ballot shall be determined by the local park and recreation district clerk in the  
19          manner provided under s. 5.60 (1) (b). The ballot shall be entitled “Official Primary  
20          Ballot for Member of the Board of Directors of the Local Park and Recreation  
21          District.”

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

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

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

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

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

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

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

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

17 **SECTION 6.** 5.68 (3) of the statutes is amended to read:

18 5.68 (3) If voting machines are used or if an electronic voting system is used  
19 in which all candidates and referenda appear on the same ballot card, the ballots for  
20 all national, state, and county offices and for county and state referenda shall be  
21 prepared and paid for by the county wherein they are used. If the voting machine  
22 or electronic voting system ballot includes a municipal or school, technical college,  
23 sewerage or sanitary, or local park and recreation district ballot, the cost of that  
24 portion of the ballot shall be reimbursed to the county or paid for by the municipality  
25 or district, except as provided in a 1st class city school district under sub. (2).

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

2           7.51 (3) (b) For ballots which relate only to municipal ~~or~~, school district, or local  
3 park and recreation district offices or referenda, the inspectors, in lieu of par. (a),  
4 after counting the ballots shall return them to the proper ballot boxes, lock the boxes,  
5 paste paper over the slots, sign their names to the paper, and deliver them and the  
6 keys therefor to the municipal ~~or~~, school district, or local park and recreation district  
7 clerk. The clerk shall retain the ballots until destruction is authorized under s. 7.23.

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

9           7.51 (3) (d) All absentee certificate envelopes which have been opened shall be  
10 returned by the inspectors to the municipal clerk in a securely sealed carrier  
11 envelope which is clearly marked “used absentee certificate envelopes”. The  
12 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when  
13 the ballots are used in a municipal ~~or~~, school district, or local park and recreation  
14 district election only, the municipal clerk shall transmit the used envelopes to the  
15 county clerk.

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

17           7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her,  
18 immediately after the votes are tabulated or counted at each election, shall report  
19 the returns of the election to the municipal clerk ~~or~~, to the school district clerk for  
20 school district elections, except in 1st class cities, or to the local park and recreation  
21 district clerk for local park and recreation district elections. The clerk shall then  
22 make the returns public.

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

24           7.51 (5) RETURNS. The inspectors shall make full and accurate return of the  
25 votes cast for each candidate and proposition on tally sheet blanks provided by the

1 municipal clerk for the purpose. Each tally sheet shall record the returns for each  
2 office or referendum by ward, unless combined returns are authorized in accordance  
3 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group  
4 of combined wards. After recording the votes, the inspectors shall seal in a carrier  
5 envelope outside the ballot bag or container one inspectors' statement under sub. (4)  
6 (a), one tally sheet, and one poll or registration list for delivery to the county clerk,  
7 unless the election relates only to municipal or school district offices or referenda or  
8 local park and recreation district offices. The inspectors shall also similarly seal one  
9 inspectors' statement, one tally sheet, and one poll or registration list for delivery to  
10 the municipal clerk. For school district elections, except in 1st class cities, the  
11 inspectors shall similarly seal one inspectors' statement, one tally sheet, and one poll  
12 or registration list for delivery to the school district clerk. For local park and  
13 recreation district elections, the inspectors shall similarly seal one inspectors'  
14 statement, one tally sheet, and one poll or registration list for delivery to the local  
15 park and recreation district clerk. The inspectors shall immediately deliver all  
16 ballots, statements, tally sheets, lists, and envelopes to the municipal clerk. The  
17 municipal clerk shall arrange for delivery of all ballots, statements, tally sheets,  
18 lists, and envelopes relating to a school district or local park and recreation district  
19 election to the school district or local park and recreation district clerk, respectively.  
20 The municipal clerk shall deliver the ballots, statements, tally sheets, lists, and  
21 envelopes for his or her municipality relating to any county, technical college district,  
22 state, or national election to the county clerk by 2 p.m. on the day following each such  
23 election. The person delivering the returns shall be paid out of the municipal  
24 treasury. Each clerk receiving ballots, statements, tally sheets, or envelopes shall  
25 retain them until destruction is authorized under s. 7.23 (1).

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

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

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

19           **8.10 (6) (e)** For members of the board of directors of a local park and recreation  
20 district, with the local park and recreation district clerk.

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

22           **8.11 (2f) BOARD OF DIRECTORS OF CERTAIN LOCAL PARK AND RECREATION DISTRICTS.**  
23 A primary shall be held in a local park and recreation district whenever there are  
24 more than twice the number of candidates to be elected members of the board of  
25 directors of the local park and recreation district, or, if the district elects board

1 members from apportioned areas, more than twice as many candidates as are to be  
2 elected members of the board of directors from any apportioned area.

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

4 9.10 (1) (a) The qualified electors of the state; of any county, city, village, or  
5 town; of any congressional, legislative, judicial, or school district; of any local park  
6 and recreation district; or of any prosecutorial unit may petition for the recall of any  
7 incumbent elective official by filing a petition with the same official or agency with  
8 whom nomination papers or declarations of candidacy for the office are filed  
9 demanding the recall of the officeholder.

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

11 9.10 (1) (b) Except as provided in par. (c), a petition for recall of a state,  
12 congressional, legislative, judicial, or county officer shall be signed by electors equal  
13 to at least 25% of the vote cast for the office of governor at the last election within the  
14 same district or territory as that of the officeholder being recalled. Except as  
15 provided in par. (c), a petition for the recall of a city, village, town, local park and  
16 recreation district, or school district officer shall be signed by electors equal to at  
17 least 25% of the vote cast for the office of president at the last election within the same  
18 district or territory as that of the officeholder being recalled.

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

20 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless  
21 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the  
22 filing officer with whom the petition is filed. The petitioner shall append to the  
23 registration a statement indicating his or her intent to circulate a recall petition, the  
24 name of the officer for whom recall is sought and, in the case of a petition for the recall  
25 of a city, village, town, local park and recreation district, or school district officer, a



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

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

12 9.10 (3) (a) This subsection applies to the recall of all elective officials other  
13 than city, village, town, local park and recreation district, and school district officials.  
14 City, village, town, local park and recreation district, and school district officials are  
15 recalled under sub. (4).

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

17 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,  
18 local park and recreation district, or school district official, is offered for filing, the  
19 officer against whom the petition is filed may file a written challenge with the  
20 ~~municipal clerk or board of election commissioners or school district clerk~~ official or  
21 agency with whom it the petition is filed, specifying any alleged insufficiency. If a  
22 challenge is filed, the petitioner may file a written rebuttal to the challenge with the  
23 ~~clerk or board of election commissioners~~ official or agency within 5 days after the  
24 challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed  
25 may file a reply to any new matter raised in the rebuttal within 2 days after the

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

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

2           9.10 **(4)** (d) The governing body, school board, or board of election  
3 commissioners, upon receiving the certificate or copy of the certificate issued under  
4 par. (a), shall call an election on the Tuesday of the 6th week commencing after the  
5 date of the certificate. If Tuesday is a legal holiday, the recall election shall be held  
6 on the first day after Tuesday which is not a legal holiday.

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

8           9.10 **(7)** PURPOSE. The purpose of this section is to facilitate the operation of  
9 article XIII, section 12, of the constitution and to extend the same rights to electors  
10 of cities, villages, towns, local park and recreation districts, and school districts.

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

12           **10.05 Posting of notice.** Unless specifically designated elsewhere, this  
13 section applies to villages, towns and, school districts, and local park and recreation  
14 districts. Whenever a notice is required to be published, a village, town or, school  
15 district, or local park and recreation district may post 3 notices in lieu of publication  
16 under ch. 985 whenever there is not a newspaper published within the village, town  
17 or, school district, or local park and recreation district or whenever the governing  
18 body of the village, town or, school district, or local park and recreation district  
19 chooses to post in order to supplement notice provided in a newspaper. Whenever  
20 the manner of giving notice is changed by the governing body, the body shall give  
21 notice of the change in the manner used before the change. Whenever posting is  
22 used, the notices shall be posted no later than the day prescribed by law for  
23 publication, or, if that day falls within the week preceding the election to be noticed,  
24 at least one week before the election. All notices given for the same election shall be  
25 given in the same manner.

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

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

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

13           11.02 **(8)** If the jurisdiction under sub. (3) is a local park and recreation district,  
14 the appropriate clerk is the local park and recreation district clerk.

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

16           11.31 **(1)** (h) (intro.) Candidates for any local office, who are elected from a  
17 jurisdiction or district with less than 500,000 inhabitants according to the latest  
18 federal census or census information on which the district is based, as certified by  
19 the appropriate filing officer, and candidates for member of the board of directors of  
20 a local park and recreation district, an amount equal to the greater of the following:

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

22           17.01 **(11m)** By a member of the board of directors of a local park and recreation  
23 district, to the board of directors. The board of directors shall immediately give a copy  
24 of each resignation under this subsection to the elections board and to the chief

1 executive officer of each municipality that has territory within the jurisdiction of the  
2 district.

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

4 **17.13 Removal of village, town, town sanitary district, school district,**  
5 **technical college and family care district, and local park and recreation**  
6 **district officers.** (intro.) Officers of towns, town sanitary districts, villages, school  
7 districts, technical college districts and family care districts, and local park and  
8 recreation districts may be removed as follows:

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

10 17.13 (3) ALL OFFICERS. Any village, town, town sanitary district, school district  
11 or technical college district, or local park and recreation district officer, elective or  
12 appointive, including those embraced within subs. (1) and (2), by the a judge of the  
13 circuit court of the a circuit wherein the village, town, town sanitary district, school  
14 district or technical college district, or local park and recreation district is situated,  
15 for cause.

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

17 17.27 (1f) BOARD OF DIRECTORS OF LOCAL PARK AND RECREATION DISTRICTS. Except  
18 as provided in s. 9.10, a vacancy in the office of any member of the board of directors  
19 of a local park and recreation district may be filled by temporary appointment of the  
20 remaining members of the board of directors. The temporary appointee shall serve  
21 until a successor is elected and qualified. If the vacancy occurs in any year after the  
22 first Tuesday in April and on or before December 1, the vacancy shall be filled for the  
23 residue of the unexpired term, if any, at on the date of the next spring election. If the  
24 vacancy occurs in any year after December 1 or on or before the first Tuesday in April,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 79.03 **(3)** (b) 4. (intro.) “Local purpose revenues” means the sum of payments  
10 under s. 79.095, local general purpose taxes, regulation revenues, revenues for  
11 services to private parties by a county’s or municipality’s general operations or  
12 enterprises, revenue for sanitation services to private parties, special assessment  
13 revenues, tax base equalization aids, and, for municipalities only, impact fees  
14 collected by a local park and recreation district that are attributed to the  
15 municipality, a proxy for private sewer service costs, a proxy for private solid waste  
16 and recycling service costs, and a proxy for retail charges for fire protection purposes.

17 In this subdivision:

18 **SECTION 71.** 79.03 (3) (b) 4. a. of the statutes is renumbered 79.03 (3) (b) 4. am.  
19 and amended to read:

20 79.03 **(3)** (b) 4. am. “Local general purpose taxes” means the portion of tax  
21 increments collected for payment to a municipality under s. 66.1105 which is  
22 attributable to that municipality’s own levy, the portion of environmental  
23 remediation tax increments collected for payment to a municipality or county under  
24 s. 66.1106 that is attributable to that municipality’s or county’s own levy, general  
25 property taxes, excluding taxes for a county children with disabilities education

1 board, collected to finance the general purpose government unit, property taxes  
2 collected for sewage and sanitary districts, property taxes collected for local park and  
3 recreation districts, mobile home fees, the proceeds of county sales and use taxes and  
4 municipal and county vehicle registration fees under s. 341.35 (1).

5 **SECTION 72.** 79.03 (3) (b) 4. ad. of the statutes is created to read:

6 79.03 (3) (b) 4. ad. “Impact fees collected by a local park and recreation district  
7 that are attributed to the municipality” means, for a municipality that is part of a  
8 local park and recreation district created under subch. VI of ch. 229, the portion of  
9 the impact fees collected by the local park and recreation district that the department  
10 of revenue attributes to a municipality based on the municipality’s population as  
11 compared with the aggregate population of all of the municipalities that are part of  
12 the same local park and recreation district.

13 **SECTION 73.** Subchapter VI of chapter 229 [precedes 229.86] of the statutes is  
14 created to read:

15 **CHAPTER 229**

16 **SUBCHAPTER VI**

17 **LOCAL PARK AND**

18 **RECREATION DISTRICTS**

19 **229.86 Definitions.** In this subchapter:

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

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

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

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

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

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

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

12           **(8)** “Sponsoring municipality” means any municipality that creates a district  
13 in combination with another municipality.

14           **229.861 Creation, organization, and administration.** **(1)** Subject to sub.  
15 (5), 2 or more municipalities may create a special purpose district that is a unit of  
16 government, that is a body corporate and politic, that is separate and distinct from,  
17 and independent of, the state and the sponsoring municipalities, and that has the  
18 powers under s. 229.863, if the sponsoring municipalities do all of the following:

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

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

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

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

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

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

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

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

20           **(4)** If all of the steps in sub. (3) occur, each municipality in which petitions  
21 containing the requisite number of signatures are submitted to the clerk shall hold  
22 a referendum at the next succeeding spring election. Subject to sub. (5), if the  
23 question submitted at the referendum is approved by a majority of the electors who  
24 vote in the referendum at the spring election in at least 2 municipalities, a special  
25 purpose district that is a unit of government, that is a body corporate and politic, that

1 is separate and distinct from, and independent of, the state and each municipality,  
2 and that has the powers under s. 229.863 is created, the boundaries of which include  
3 each municipality in which the question is approved. The referendum question shall  
4 be substantially as follows: “Shall a local park and recreation district, the territory  
5 of which includes in whole the .... [name of municipality], be created?” If a  
6 referendum question is not approved in at least 2 municipalities, no district may be  
7 created.

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

15 1. A mechanism that provides, from each of the municipalities, a loan of  
16 start-up funds for the initial operating costs of the district. The loaned start-up  
17 funds shall be sufficient to sustain the district until it receives the first amount of  
18 proceeds from a tax that is imposed under s. 229.863 (8).

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

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

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

3           5. The maximum property tax levy rate that the district may impose under s.  
4 229.863 (8) (a). The maximum property tax levy rate may be no more than 1.4 mills  
5 for each dollar of the district's equalized valuation, as determined under s. 70.57.

6           (b) 1. Before the municipalities may consider a resolution or ordinance that is  
7 described in par. (a), all of the municipalities shall enter into an agreement on the  
8 selection of an arbitrator who will decide any of the issues under par. (a) that are not  
9 resolved by the municipalities by September 1 of the year described under par. (a),  
10 except as provided in subd. 2. If the municipalities are unable to reach agreement  
11 on any of the items listed in par. (a), the arbitrator shall enter a binding decision,  
12 which resolves all such outstanding items, not later than November 1 of the year  
13 described under par. (a).

14           2. If the municipalities are unable to reach an agreement concerning whether  
15 the members of the board of directors shall be elected with or without an  
16 apportionment plan under sub. (6) (b), the board of directors shall be elected  
17 pursuant to an apportionment plan.

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

1           **(6)** (a) 1. The district is governed by its board of directors. The board of directors  
2 may adopt bylaws to govern the district’s activities, subject to this subchapter.  
3 Except as provided in s. 229.862, the board of directors shall consist of 9 members  
4 who are elected at–large.

5           2. The board of directors shall be elected at the spring election pursuant to an  
6 apportionment plan under par. (b) unless the governing bodies of each of the  
7 municipalities of which the district is comprised by resolution determine, no later  
8 than November 1 preceding any spring election, that the members of the board of  
9 directors shall be elected at that election and thereafter without an apportionment  
10 plan. If the governing bodies of each municipality of which the district is comprised  
11 determine to elect members of the board of directors without an apportionment plan,  
12 the governing bodies may, no later than November 1 preceding a spring election, by  
13 resolution determine to elect members of the board of directors at that election and  
14 thereafter pursuant to an apportionment plan, if an identical plan is adopted by each  
15 of those governing bodies by that date.

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

21           (b) 1. Each apportionment plan shall divide the entire district into apportioned  
22 geographic areas for the election of members of the board of directors. The  
23 boundaries of the apportioned areas shall remain unchanged unless the governing  
24 bodies of each of the municipalities of which the district is comprised agree, by  
25 resolution adopted no later than November 1 preceding a spring election, to prescribe



1 revised boundaries for the election of members of the board of directors at that  
2 election and thereafter, and except that, if a municipality becomes a part of the  
3 district after its creation, the governing bodies of the municipalities of which the  
4 district is comprised shall, by resolution, prescribe identical revised boundaries of  
5 the apportioned areas no later than September 1 preceding the first spring election  
6 at which members of the board of directors are to be elected from the new district.  
7 If the governing bodies are unable to reach an agreement concerning an identical  
8 apportionment plan by September 1 preceding that spring election, an arbitrator  
9 appointed pursuant to sub. (5) (b) 1. shall resolve the dispute no later than November  
10 1 preceding that election.

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

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

23 (d) The terms of the members of the board of directors shall be 3 years,  
24 beginning on the next succeeding first Monday in June, except that the terms of  
25 one-third of the initial persons elected or appointed to office shall expire on the first

1 Monday in June that is one year following the next succeeding June; the terms of  
2 one-third of the initial persons elected or appointed to office shall expire on the first  
3 Monday in June that is 2 years following the next succeeding June; and the terms  
4 of one-third of the persons elected or appointed to office shall expire on the first  
5 Monday in June that is 3 years following the next succeeding June. Members of the  
6 board of directors may be removed from office before the expiration of their terms,  
7 for cause, as provided under s. 17.13 (3) and may be recalled as provided under s.  
8 9.10. Vacancies in the office of member of the board of directors shall be filled as  
9 provided under s. 17.27 (1f).

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

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

20 2. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify  
21 to the county clerk of each county lying wholly or partially within the district the  
22 names of candidates who have filed valid nomination papers for member of the board  
23 of directors and who are eligible to have their names appear on the ballot under s.  
24 8.30. If any municipality lying wholly or partially within the district prepares its  
25 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of

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

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

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

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

22 **(7)** (a) The territory of a municipality may be in only one district. If a city or  
23 village whose territory is in one district annexes territory that contains park  
24 facilities that are located in a different district, that district shall transfer ownership  
25 of the park facilities that are located in the annexed territory to the district whose

1 territory includes the annexing city or village. The park district which receives the  
2 annexed territory shall negotiate a settlement agreement with the park district from  
3 which the territory was annexed to compensate that park district for the park  
4 facilities that are transferred, based on at least all of the following factors:

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

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

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

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

16 **(8)** (a) A municipality which is part of a district may withdraw from the district  
17 as provided in this subsection if the governing body of the municipality adopts a  
18 resolution declaring its intention to withdraw from the district and if the board of  
19 directors adopts a resolution approving the municipality's resolution. If a  
20 municipality withdraws from a district under this subsection, title to the park  
21 facilities that are located in the municipality shall be transferred from the district  
22 to the municipality.

23 (b) If a municipality adopts a resolution declaring its intention to withdraw  
24 from the district and if the board of directors rejects the municipality's resolution, the  
25 board of directors shall call a referendum in the municipality for the purpose of

1 submitting the municipality's resolution to the electors of the municipality for  
2 approval or rejection on the question of whether the municipality should withdraw  
3 from the district. The referendum shall be held at the next regular election to be held  
4 not earlier than 42 days after the municipality's resolution is rejected by the board  
5 of directors.

6 (c) If a municipality adopts a resolution declaring its intention to withdraw  
7 from the district and if the board of directors approves the resolution or, if the board  
8 rejects the resolution but the resolution is approved in the referendum described  
9 under par. (b), the district shall dissolve as provided in s. 229.865 if only one  
10 municipality remains a part of the district after a municipality withdraws under this  
11 subsection. If more than one municipality remains a part of the district after a  
12 municipality withdraws, the municipality that withdraws and the board of directors  
13 shall negotiate a settlement agreement to compensate that park district for the park  
14 facilities that are located in the municipality, based on at least all of the following  
15 factors:

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

21 (d) If the municipality and the park district are unable to negotiate a settlement  
22 under par. (c) within 60 days after the board of directors approves the resolution  
23 under par. (a) or within 60 days after the resolution is approved in the referendum  
24 described under par. (b), the municipality and the district shall agree on the selection  
25 of an arbitrator who shall decide the settlement amount, and send written

1 notification of his or her decision to all parties, within 30 days after his or her  
2 appointment. The municipality shall comply with the arbitrator's decision during  
3 any court challenge to the decision.

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

7 **229.862 Jurisdiction and expansion.** The initial jurisdiction of a district  
8 shall consist of the territory of all of the sponsoring municipalities that have acted  
9 under s. 229.861 (1) and (2) and all of the participating municipalities that have acted  
10 under s. 229.861 (3) in same year, or within 90 days after the adoption of the first  
11 enabling legislation that is described in s. 229.861 (1). The jurisdiction of the district  
12 may be expanded to include any other municipality under procedures adopted by the  
13 board of directors and consistent with an agreement entered into between the board  
14 of directors and the municipality. Under the terms of the agreement, the assets of  
15 the municipality to be included in the expanded jurisdiction shall be treated in a  
16 substantially similar manner as the assets of all other municipalities in the district.  
17 A district's jurisdiction may not be expanded unless the governing body of the  
18 municipality to be included in the expanded jurisdiction of the district approves the  
19 inclusion of the municipality in the district. Eligible electors of a municipality  
20 included in the expanded jurisdiction of a district may vote for members of the board  
21 of directors at the first election occurring after the effective date of the expansion at  
22 which members of the board of directors are elected.

23 **229.863 Powers of district.** A district has all of the powers necessary or  
24 convenient to carry out the purposes and provisions of this subchapter. In addition  
25 to all other powers granted by this subchapter, a district may do all of the following:

- 1           **(1)** Adopt and alter an official seal.
- 2           **(2)** Sue and be sued in its own name, and plead and be impleaded.
- 3           **(3)** Maintain an office.
- 4           **(4)** In connection with park facilities, consistent with a municipality's  
5 comprehensive plan under s. 66.1001 (1) (a):
- 6           (a) Acquire, develop, equip, maintain, improve, operate, and manage the park  
7 facilities.
- 8           (b) Enter into contracts, subject to such standards as may be established by the  
9 board of directors.
- 10          (c) Grant concessions.
- 11          (d) Operate recreational facilities or programs.
- 12          **(5)** Employ personnel, and fix and regulate their compensation; and provide,  
13 either directly or subject to an agreement under s. 66.0301 as a participant in a  
14 benefit plan of another municipality, any employee benefits, including an employee  
15 pension plan.
- 16          **(6)** Purchase insurance, establish and administer a plan of self-insurance, or,  
17 subject to an agreement with another political subdivision under s. 66.0301,  
18 participate in a governmental plan of insurance or self-insurance.
- 19          **(7)** Set standards governing the use of, and the conduct within, its park  
20 facilities and recreational facilities in order to promote public safety and convenience  
21 and to maintain order.
- 22          **(8)** (a) To carry out its functions, levy a tax on the taxable property in the  
23 district, as equalized by the department of revenue under s. 70.57. Except as  
24 provided in par. (b), the board of directors shall establish the tax levy rate, subject  
25 to the limitation under s. 229.861 (5) (a) 5. The tax levy shall be applied to the

1       respective real property and personal property tax rolls of the city, village, and town  
2       included in the district and shall not be included within any limitation on county or  
3       municipality taxes. Collected taxes levied under this paragraph shall be paid to the  
4       district treasurer.

5               (b) In any year, the board of directors may adopt a resolution to establish a tax  
6       levy rate that exceeds the tax levy rate limitation under s. 229.861 (5) (a) 5., except  
7       that such a tax levy rate may not take effect until the resolution is approved by a  
8       majority of the electors in the district’s jurisdiction voting on the resolution at a  
9       referendum, to be held at the first spring primary, spring election, September  
10       primary, general election, or special election held throughout the district that is held  
11       at least 45 days after the date of adoption of the resolution. The question shall be  
12       submitted as follows: “The tax levy rate for the tax imposed in .... [name of the  
13       district] for purposes related to park facilities for the year .... [year] is \$ .... per \$1,000  
14       of equalized value. The maximum tax levy rate that .... [name of the district] may  
15       impose in any year is \$ .... per \$1,000 of equalized value. Shall the .... [name of the  
16       district] be allowed to exceed this maximum rate limit for .... [a specified number of  
17       years] [an indefinite period] by \$ .... per \$1,000 of equalized value, resulting in a tax  
18       levy rate of \$ .... per \$1,000 of equalized value?” The clerk of the district shall publish  
19       the notices required under s. 10.06 (4) (c), (f), and (i) for any referendum held under  
20       this paragraph. Notwithstanding s. 10.06 (4) (c), the type A notice under s. 10.01 (2)  
21       (a) relating to the referendum is valid even if given and published late as long as it  
22       is given and published prior to the election as early as practicable.

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

25               (a) Maintaining the park facilities.



1 (b) Operating the park facilities.

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

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

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

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

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

9 **229.864 Powers and duties of, and limitations on, municipalities. (1)**  
10 The number of members of the board of directors specified in s. 229.861 (6) (a) may  
11 be changed only by an agreement that is approved unanimously by the governing  
12 bodies of each municipality that makes up the jurisdiction of the district.

13 **(2)** Except as otherwise provided in this section, the governing bodies of each  
14 municipality that makes up the jurisdiction of the district may not create a park or  
15 expend any funds to support municipal park facilities, impose an impact fee under  
16 s. 66.0617 for municipal park facilities, or impose fees in lieu of land dedications  
17 under ch. 236 after the imposition of the taxes described under s. 229.863 (8).

18 **(3)** In addition to any powers that it may otherwise have, a municipality located  
19 wholly or partly within a district's jurisdiction may do any of the following:

20 (a) Make loans to a district upon terms that the municipality considers  
21 appropriate.

22 (b) Lease or transfer property to a district upon terms that the municipality  
23 considers appropriate.

24 **229.865 Dissolution of district.** Subject to providing for the payment of its  
25 debts, and the performance of its other contractual obligations, a district may be

1 dissolved by the action of the board of directors. If the district is dissolved, the board  
2 of directors shall certify to the department of revenue that the district is dissolved,  
3 and the property of the district shall be transferred to the municipalities in the  
4 jurisdiction by the board of directors, based on at least all of the following factors:

5 (1) The current value of park facilities transferred by a municipality to a  
6 district.

7 (2) The amount of money contributed to the district during its existence by a  
8 municipality under s. 229.864 (2).

9 (3) The amount of any other contribution made by a municipality to a district,  
10 including any contribution that is made under s. 229.864 (3).

11 (END)