

**2001 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB601)**

Received: 12/14/2001

Received By: shoveme

Wanted: As time permits

Identical to LRB:

For: Gregory Huber (608) 266-0654

By/Representing: Jeremy Levin

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Addl. Drafters: rmarchan  
jkreye  
kuesejt  
gibsom

Subject: Munis - miscellaneous  
Tax - property  
Elections - miscellaneous  
Shared Revenue  
Nat. Res. - LWSR stewardship

Extra Copies:

Submit via email: NO

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Authorizing the creation of a local park and recreation district

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**Instructions:**

See Attached. Based on LRB s0258, plus attached changes.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 12/20/2001	csicilia 12/20/2001		_____			
/1	jkreye 01/04/2002		pgreensl 12/21/2001	_____	lrb_docadmin 12/21/2001	lrb_docadmin 12/21/2001	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	shoveme 01/09/2002	gilfokm 01/10/2002	pgreensl 01/10/2002	_____	lrb_docadmin 01/10/2002	lrb_docadmin 01/10/2002	

FE Sent For:

<END>

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**Topic:**

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**Instructions:** *s0258 is based on s0254, which is the same as -4350/1*  
See Attached. Based on LRB s0258, plus attached changes.

---

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/?	shoveme 12/20/2001	csicilia 12/20/2001					
11	<i>JK</i> <i>12 MES 1/9/02</i>	<i>12-1/10-02</i> <i>KMG</i>	pgreensl 12/21/2001		lrb_docadmin 12/21/2001	lrb_docadmin 12/21/2001	

*10 PG*

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*MES 1*

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1?	shoveme	11/20/01	12/20/01	12/21/01			
<i>11 MES 12/20/01</i>							
<i>pg 1 RS</i>							

FE Sent For:

<END>

## Shovers, Marc

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**From:** Levin, Jeremy  
**Sent:** Thursday, December 20, 2001 10:26 AM  
**To:** Shovers, Marc  
**Subject:** A compiled list of amendments

Marc-

Here's a list I compiled of what I believe to be all the amendments made to AB 601. Please review it, to make sure there is nothing I left out or something that hasn't been included in the substitute amendment. Thanks.



The Master, Master  
List of Ame...

*Jeremy Levin*

Legislative Assistant -- Rep. Greg Huber  
218 North State Capitol  
Phone: 608-266-0654  
Fax: 608-282-3685

## The Master, Master List of Amendments to AB 601

- 1) Removed sales tax option.
  - 2) Added mil rate cap range from .7 to 1.4. The initial mil rate cap that is set may only be exceeded by referendum.
  - 3) For purposes of the expenditure restraint law, the amount a municipality previously paid for parks and recreation would be reduced. In addition, for shared revenue purposes, the amount the park district raises via property tax will be treated as auditable revenue to the underlying municipalities.
  - 4) Changed petition circulation dates to conform to current standard circulation dates.
  - 5) Changed to allow any 2 or more municipalities, outside of Milwaukee County, to form a park district. No longer must the communities be adjacent/contiguous.
  - 6) Clarified that a municipality can only belong to one park district. In addition, any annexations of territory by a municipality participating in a park district are automatically added to the territory of the park district. For example: If the City of Madison were to annex a portion of territory from the Town of Madison, that new territory would be considered part of the park district for property tax and all other purposes.
- 7) Allow for a municipality to opt-out of a park district:
- If approved by a majority of the park board, or if not approved by a majority of the park board, the park board shall schedule a binding referendum, at the next regularly scheduled election, where the electors would vote upon their continued participation in the park district.
  - Municipality must settle costs with park district for any services or facilities that were provide during affiliation with the park district. An example would be if a facility were constructed or renovated, parklands were enhanced or increased, or any other costs that were handled collectively by the park district. Any land or capital interest that a municipality went into a park district, that was not enhanced, should be retained by that municipality without incurred costs. If settlement costs cannot be agreed upon, then settlement costs are determined by an arbitrator.

- 8) Clarified that only a park district would be allowed to impose an impact fee by resolution all other political subdivisions could only impose an impact fee by ordinance.
- 9) Specified the time in which impact fees are payable. "... no earlier than 90 days after final plat approval ..."
- 10) Added a limitation specifying that municipalities may not impose a fee, exaction, or land dedication for parks under s. 236 after a park district is created.
  - "Except as otherwise provided in this section, the governing bodies of each municipality that makes up the jurisdiction of the district may not create a park or expend any funds to support a park or recreational facilities, or impose an impact fee under s.66.0617, or a fee under s. 236 for park facilities, after the imposition of the taxes described under s. 229.863(8)."
- 11) Redefined "park facilities" to include not only public parks, but also recreational facilities.
- 12) Specified the transfer of existing unspent impact fees designated for park facilities, in addition to park facilities that a municipality transfers to a park district.
- 13) Specified that park districts comply with local Smart Growth zoning plans.





## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

December 17, 2001

**TO:** Representative Gregory Huber  
Room 218 North, State Capitol

**FROM:** Rick Olin, Fiscal Analyst

**SUBJECT:** Interaction Between Substitute Amendment Regarding Local Park Districts and the Expenditure Restraint Program

At your request, this memorandum provides information on LRBs 0258/1, which has been drafted as a substitute amendment to AB 601. You asked how the provisions in this draft would relate to the expenditure restraint program (ERP).

The substitute amendment would authorize contiguous municipalities to create local special purpose districts to be called local park and recreation districts. They would be independent and separate entities from the municipalities that create them. Districts would be headed by an elected board with the power to finance the districts' functions by levying a property tax, imposing impact fees and issuing debt. The primary functions of districts would be to acquire, develop, equip, maintain, improve, operate and manage park facilities and to operate recreational facilities and programs.

Through the expenditure restraint program, the state provides aid to municipalities that meet two eligibility criteria. First, a municipality's municipal purpose tax rate must exceed five mills. Second, a municipality must limit the year-to-year change in its budget to a percent based on the change in inflation and the change in the municipality's tax base due to new construction. The statutes define "municipal budget" as the municipality's budget for its general fund exclusive of principal and interest payments on long-term debt. Two statutory adjustments to the budgeted amounts are allowed. First, amounts paid by municipalities as state recycling tipping fees are excluded. Second, budgeted amounts are adjusted for the cost of services transferred to or from the municipality seeking to qualify for a payment.

The adjustment related to service transfers would be triggered by municipalities creating park and recreation districts, since the substitute amendment would prohibit municipalities from

expending funds to support park or recreational facilities after the district levies a property tax. If a municipality is providing services that would be provided by such a district in the succeeding year, the municipality would be required to deduct those costs from its base year budget for purposes of the ERP budget calculation. Since the succeeding year's costs would be incurred by the district, rather than the municipality, the costs would not be reflected in the municipality's succeeding year's budget either. This treatment ensures that the costs for a comparable level of services are measured in each of the two years. Without this adjustment, municipalities could circumvent the intent of the fiscal control by transferring services to other local governments.

The following example illustrates how the adjustment would be applied. Assume a municipality budgets \$1,000,000 for its operations, including \$100,000 for parks. Further, assume the municipality is allowed a 3% budgetary increase under the expenditure restraint program for the succeeding year. If the municipality transfers its park operations to a park and recreation district in the succeeding year, the municipality's base year budget would be reduced by \$100,000, from \$1,000,000 to \$900,000, and the municipality would be allowed to increase its expenditures by \$27,000 ( $\$900,000 \times 0.03$ ). Without this adjustment, the municipality would be providing fewer services, but would be allowed to budget up to \$1,030,000 ( $\$1,000,000 \times 1.03$ ), rather than the \$927,000 allowed after the adjustment.

If you have any questions on this information, please let me know.

RO/sas

## Questions/Amendments to AB 601 after WRA/WBA Meeting

- What is the impact of a park district acting by resolution as opposed to ordinance? How will this affect imposing park district rules/ordinances? Would we be better-off to allow them the ability to create ordinances?
- Section 53: allowing the adoption of an impact fee by resolution in addition to by ordinance. They don't mind a park district imposing impact fees by resolution, but have strong reservations to allowing any other political subdivision to impose impact fee by any means other than by ordinance.
- Section 59: needs to state a specific time at which impact fees are payable. Suggested: "... no earlier than 90 days after final plat approval ..."

2. Section 60(6): they want definition of "park facilities," to be narrowed to real property improvements. In addition, make sure these improvements include land and acquisition.

- On page 37, line 16-20, there needs to be an additional limitation. Municipalities may not impose a fee, exaction, or land dedication under ss. 236 after a park district is created. This is consistent with the limitation on impact fees. Possibly something like:

"Except as otherwise provided in this section, the governing bodies of each municipality that makes up the jurisdiction of the district may not acquire land create a park or expend any funds to support a park or recreational facilities, or impose an impact fee under s.66.0617, or a fee under s. 236 for park facilities, after the imposition of the taxes described under s. 229.863(8)."

too broad

Jeremy:  
don't do

Exec: 1/17/02 do this as a sub. of a bill

**Amendments to AB 601 after Committee Hearing**

2

1) Change petition circulation dates to conform to current standard circulation dates. *same as for Spring elections nomination papers*

2) Change to allow any 2 or more municipalities, outside of Milwaukee County, to form a park district. No longer must the communities be adjacent/contiguous. *town of madison w/ middleton city of mad w/ Verona - part of madison annexed town of madison*

*They may need to allow double taxation lot chips fall, & mani can opt out if they want to*

3) Clarify that a municipality can only belong to one park district. In addition, any annexations of territory by a municipality participating in a park district are automatically added to the territory of the park district. For example: If the City of Madison were to annex a portion of territory from the Town of Madison, that new territory would be considered part of the park district for property tax and all other purposes. *they may not be able to do this, but double taxation*

4) Allow for mergers of 2 or more formed park districts. *ask J & J in*

5) Allow for a municipality to opt-out of a park district:  
• If approved by a majority of the park board, or if not approved by a majority of the park board, the park board shall schedule a binding referendum at the next regularly scheduled election, where the electors would vote upon their continued participation in the park district. *impetus for opt out is not PB let PB vote on sch. ref. local govt body adapt to res. can't take effect w/out ref.*

*into muni that want out  
3) If 1 of 2 muni's must dissolve*

• Municipality must settle costs with park district for any services or facilities that were provide during affiliation with the park district. An example would be if a facility were constructed or renovated, parklands were enhanced or increased, or any other costs that were handled collectively by the park district. Any land or capital interest that a municipality went into a park district, that was not enhanced, should be retained by that municipality without incurred costs. If settlement costs cannot be agreed upon, then settlement costs are determined by an arbitrator. *Must be settlement - by agreement or arb. w/ drawl takes effect - when opt out of settlement is agreed --*

*60 days? 902  
if no agreement is reached  
→ arbitration -- PB & muni must agree on arb.*

## Shovers, Marc

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**From:** Levin, Jeremy  
**Sent:** Wednesday, December 19, 2001, 11:10 AM  
**To:** Shovers, Marc  
**Subject:** AB 601

Marc-

Let me know what your thoughts are and how some of these changes might impact our bill.



Q's.Amends.AB  
601.after.WRA.WB...

*Jeremy Levin*

Legislative Assistant -- Rep. Greg Huber  
218 North State Capitol  
Phone: 608-260-0654  
Fax: 608-282-3685

SAW

2001 - 2002 LEGISLATURE

LRBs 0258/1

MES/JK/JTK/RM/MG:kmg&cs:gh

NOON

-50262/1

RMNR

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2001 ASSEMBLY BILL 601

ABOOKS

WANTED:  
Fri 12/21  
early p.m.

Reger cat

1 AN ACT to renumber 66.0617 (2) (am); to amend 5.02 (21), 5.58 (3), 5.68 (2), 5.68

2 (3), 7.51 (3) (b), 7.51 (3) (d), 7.51 (4) (b), 7.51 (5), 9.10 (1) (a), 9.10 (1) (b), 9.10 (2)

3 (d), 9.10 (3) (a), 9.10 (4) (a), 9.10 (4) (d), 9.10 (7), 10.05, 10.07 (1), 11.31 (1) (h)

4 (intro.), 17.13 (intro.), 17.13 (3), 23.09 (19) (a) 2., 23.09 (20) (ab) 1., 23.09 (20m)

5 (a) 1., 23.0917 (4m) (a) 3., 23.094 (1), 25.50 (1) (d), 27.01 (3), 27.075 (1), 27.075

6 (2), 27.075 (3), 27.075 (4), 27.08 (1), 27.08 (3), 30.277 (1b) (a), 66.0301 (1) (a),

7 66.0617 (1) (a), 66.0617 (1) (c), 66.0617 (1) (d), 66.0617 (1) (g), 66.0617 (1) (h),

8 66.0617 (2) (a), 66.0617 (3), 66.0617 (4) (a) (intro.), 66.0617 (4) (b), 66.0617 (5),

9 66.0617 (6) (intro.), 66.0617 (6) (b), 66.0617 (7), 66.0617 (8), 66.0617 (9), 66.0617

10 (10), 67.01 (5) and 71.26 (1) (bm); and to create 5.58 (1u), 5.60 (6u), 7.53 (3m),

11 8.10 (6) (e), 8.11 (2f), 11.02 (8), 17.01 (11m), 17.27 (1f), 66.0617 (1) (dg), 66.0617

12 (2) (am) 2., 66.0617 (6) (h), 70.11 (37m), 77.25 (18m), 77.54 (9a) (i) and

13 subchapter VI of chapter 229 [precedes 229.86] of the statutes; relating to:

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

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

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

7 5.02 (21) "Spring election" means the election held on the first Tuesday in April  
8 to elect judicial, educational, and municipal officers, nonpartisan county officers,  
9 sewerage commissioners, and members of the board of directors of local park and  
10 recreation districts and to express preferences for the person to be the presidential  
11 candidate for each party.

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

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

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

21 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,  
22 for any judicial office, or for any elected seat on a metropolitan sewerage commission  
23 or town sanitary district commission<sub>s</sub>; in counties having a population of 500,000 or

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

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

19 5.60 (6u) BOARD OF DIRECTORS OF CERTAIN LOCAL PARK AND RECREATION DISTRICTS.

20 Except as authorized in s. 5.655, a separate ballot shall list the names of all  
21 candidates for member of the board of directors of any local park and recreation  
22 district. Arrangement of the names on the ballot shall be determined by the local  
23 park and recreation district clerk in the manner provided under sub. (1) (b). The  
24 ballot shall be entitled "Official Ballot for Member of the Board of Directors of the  
25 Local Park and Recreation District."



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

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

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

15           5.68 (3) If voting machines are used or if an electronic voting system is used  
16 in which all candidates and referenda appear on the same ballot card, the ballots for  
17 all national, state, and county offices and for county and state referenda shall be  
18 prepared and paid for by the county wherein they are used. If the voting machine  
19 or electronic voting system ballot includes a municipal or school, technical college,  
20 sewerage ~~or~~, sanitary, or local park and recreation district ballot, the cost of that  
21 portion of the ballot shall be reimbursed to the county or paid for by the municipality  
22 or district, except as provided in a 1st class city school district under sub. (2).

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

24           7.51 (3) (b) For ballots which relate only to municipal ~~or~~, school district, or local  
25 park and recreation district offices or referenda, the inspectors, in lieu of par. (a),

1 after counting the ballots shall return them to the proper ballot boxes, lock the boxes,  
2 paste paper over the slots, sign their names to the paper, and deliver them and the  
3 keys therefor to the municipal ~~or~~, school district, or local park and recreation district  
4 clerk. The clerk shall retain the ballots until destruction is authorized under s. 7.23.

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

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

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

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

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

21 7.51 (5) RETURNS. The inspectors shall make full and accurate return of the  
22 votes cast for each candidate and proposition on tally sheet blanks provided by the  
23 municipal clerk for the purpose. Each tally sheet shall record the returns for each  
24 office or referendum by ward, unless combined returns are authorized in accordance  
25 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group

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

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

24 **7.53 (3m) LOCAL PARK AND RECREATION DISTRICT ELECTIONS.** The local park and  
25 recreation district clerk shall appoint 2 qualified electors of the district prior to the

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

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

16 8.10 (6) (e) For members of the board of directors of a local park and recreation  
17 district, with the local park and recreation district clerk.

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

19 8.11 (2f) BOARD OF DIRECTORS OF CERTAIN LOCAL PARK AND RECREATION DISTRICTS.  
20 A primary shall be held in a local park and recreation district whenever there are  
21 more than twice the number of candidates to be elected members of the board of  
22 directors of the local park and recreation district, or, if the district elects board  
23 members from apportioned areas, more than twice as many candidates as are to be  
24 elected members of the board of directors from any apportioned area.

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

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

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

8           9.10 (1) (b) Except as provided in par. (c), a petition for recall of a state,  
9 congressional, legislative, judicial, or county officer shall be signed by electors equal  
10 to at least 25% of the vote cast for the office of governor at the last election within the  
11 same district or territory as that of the officeholder being recalled. Except as  
12 provided in par. (c), a petition for the recall of a city, village, town, local park and  
13 recreation district, or school district officer shall be signed by electors equal to at  
14 least 25% of the vote cast for the office of president at the last election within the same  
15 district or territory as that of the officeholder being recalled.

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

17           9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless  
18 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the  
19 filing officer with whom the petition is filed. The petitioner shall append to the  
20 registration a statement indicating his or her intent to circulate a recall petition, the  
21 name of the officer for whom recall is sought and, in the case of a petition for the recall  
22 of a city, village, town, local park and recreation district, or school district officer, a  
23 statement of a reason for the recall which is related to the official responsibilities of  
24 the official for whom removal is sought. No petitioner may circulate a petition for  
25 the recall of an officer prior to completing registration. The last date that on which

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

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

9 9.10 (3) (a) This subsection applies to the recall of all elective officials other  
10 than city, village, town, local park and recreation district, and school district officials.  
11 City, village, town, local park and recreation district, and school district officials are  
12 recalled under sub. (4).

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

14 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,  
15 local park and recreation district, or school district official, is offered for filing, the  
16 officer against whom the petition is filed may file a written challenge with the  
17 ~~municipal clerk or board of election commissioners or school district clerk~~ official or  
18 agency with whom it the petition is filed, specifying any alleged insufficiency. If a  
19 challenge is filed, the petitioner may file a written rebuttal to the challenge with the  
20 ~~clerk or board of election commissioners~~ official or agency within 5 days after the  
21 challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed  
22 may file a reply to any new matter raised in the rebuttal within 2 days after the  
23 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a  
24 reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or agency  
25 shall file the certificate or an amended certificate. Within 31 days after the petition

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

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

24 9.10 (4) (d) The governing body, school board, or board of election  
25 commissioners, upon receiving the certificate or copy of the certificate issued under

1 par. (a), shall call an election on the Tuesday of the 6th week commencing after the  
2 date of the certificate. If Tuesday is a legal holiday, the recall election shall be held  
3 on the first day after Tuesday which is not a legal holiday.

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

5 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of  
6 article XIII, section 12, of the constitution and to extend the same rights to electors  
7 of cities, villages, towns, local park and recreation districts, and school districts.

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

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

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

24 10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots,  
25 whenever any county clerk ~~or~~ and one or more municipal or, school district, or local



1 park and recreation district clerks within the same county are directed to publish,  
2 or whenever 2 or more municipal, school district or local park and recreation district  
3 clerks within the same county are directed to publish any notice or portion of a notice  
4 under this chapter on the same date in the same newspaper, the text of which is  
5 identical, the clerks may publish one notice only. The cost of publication of such  
6 notice or the portion of the notice required shall be apportioned equally between the  
7 county and each municipality ~~or~~, school district, or local park and recreation district  
8 sharing in its publication.

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

10 11.02 (8) If the jurisdiction under sub. (3) is a local park and recreation district,  
11 the appropriate clerk is the local park and recreation district clerk.

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

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

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

19 17.01 (11m) By a member of the board of directors of a local park and recreation  
20 district, to the board of directors. The board of directors shall immediately give a copy  
21 of each resignation under this subsection to the elections board and to the chief  
22 executive officer of each municipality that has territory within the jurisdiction of the  
23 district.

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

1           **17.13 Removal of village, town, town sanitary district, school district,**  
2           **technical college and family care district, and local park and recreation**  
3           **district officers.** (intro.) Officers of towns, town sanitary districts, villages, school  
4           districts, technical college districts ~~and~~, family care districts, and local park and  
5           recreation districts may be removed as follows:

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

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

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

14          **17.27 (1f) BOARD OF DIRECTORS OF LOCAL PARK AND RECREATION DISTRICTS.** Except  
15          as provided in s. 9.10, a vacancy in the office of any member of the board of directors  
16          of a local park and recreation district may be filled by temporary appointment of the  
17          remaining members of the board of directors. The temporary appointee shall serve  
18          until a successor is elected and qualified. If the vacancy occurs in any year after the  
19          first Tuesday in April and on or before December 1, the vacancy shall be filled for the  
20          residue of the unexpired term, if any, at on the date of the next spring election. If the  
21          vacancy occurs in any year after December 1 or on or before the first Tuesday in April,  
22          the vacancy shall be filled for the residue of the unexpired term, if any, at the 2nd  
23          succeeding spring election.

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

1           23.09 (19) (a) 2. “Governmental unit” means a city, village, town, county, lake  
2 sanitary district, as defined in s. 30.50 (4q), public inland lake protection and  
3 rehabilitation district, or local park and recreation district under subch. VI of ch. 229,  
4 or the Kickapoo reserve management board.

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

6           23.09 (20) (ab) 1. “Governmental unit” means a municipality, a local park and  
7 recreation district under subch. VI of ch. 229, or the Kickapoo reserve management  
8 board.

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

10          23.09 (20m) (a) 1. “Governmental unit” means a city, village, town, county, or  
11 local park and creation district under subch. VI of ch. 229, or the Kickapoo reserve  
12 management board.

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

14          23.0917 (4m) (a) 3. “Local governmental unit” means a city, village, town,  
15 county, lake sanitary district, as defined in s. 30.50 (4q), ~~or a~~ public inland lake  
16 protection and rehabilitation district, or local park and recreation district under  
17 subch. VI of ch. 229.

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

19          23.094 (1) DEFINITION. In this section, “political subdivision” means a city,  
20 village, town, county, lake sanitary district, as defined in s. 30.50 (4q), ~~or~~ public  
21 inland lake protection and rehabilitation district, or local park and recreation  
22 district under subch. VI of ch. 229.

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

24          25.50 (1) (d) “Local government” means any county, town, village, city, power  
25 district, sewerage district, drainage district, town sanitary district, public inland

1 lake protection and rehabilitation district, local professional baseball park district  
2 created under subch. III of ch. 229, family care district under s. 46.2895, local  
3 professional football stadium district created under subch. IV of ch. 229, local  
4 cultural arts district created under subch. V of ch. 229, local park and recreation  
5 district created under subch. VI of ch. 229, public library system, school district or  
6 technical college district in this state, any commission, committee, board, or officer  
7 of any governmental subdivision of this state, any court of this state, other than the  
8 court of appeals or the supreme court, or any authority created under s. 231.02,  
9 233.02, or 234.02.

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

11 27.01 (3) TRANSFER OF STATE PARK LAND TO MUNICIPALITIES. The department may  
12 not transfer the ownership of any state park or land within any state park to any  
13 county, city, village or, town, county, or local park and recreation district created  
14 under subch. VI of ch. 229 unless ~~it~~ the department receives the approval of the joint  
15 committee on finance regarding the appropriate level of reimbursement to be  
16 received by the state to reflect the state's cost in acquiring and developing the state  
17 park or land within the state park.

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

19 27.075 (1) The county board of any county with a population of less than  
20 500,000 is hereby vested with all powers of a local, legislative, and administrative  
21 character for the purpose of governing, managing, controlling, improving, and caring  
22 for public parks, parkways, boulevards, and pleasure drives; and to carry out these  
23 powers in districts which it may create for different purposes, or throughout the  
24 county, and for such purposes to levy county taxes, to issue bonds, assessment  
25 certificates, and improvement bonds, or any other evidence of indebtedness. The

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

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

18 27.075 (2) The county board of any ~~such~~ county may, by a resolution adopted  
19 by a majority of its membership, propose to the ~~towns, cities and villages~~ cities,  
20 villages, and towns located in ~~such~~ the county, or any of them, that it offers to exercise  
21 ~~such~~ the powers and functions ~~therein in order~~ that are necessary to consolidate  
22 municipal park services and functions in ~~said~~ the county. ~~Such~~ The resolution shall  
23 designate the particular function, duty, or act and the terms and conditions, if any,  
24 upon which the county board will perform the same. The powers conferred in sub.  
25 (1) and designated in ~~such~~ the resolution may ~~thereafter~~ be exercised by the county

1 board in each ~~such town, city or village which shall accept such~~ city, village, or town  
2 which accepts the proposal by the adoption of a resolution by a majority vote of the  
3 members-elect of its governing body, except that no governing body may accept any  
4 proposal described under this subsection unless it contains a provision under which  
5 the city, village, or town may terminate its agreement with the county so that the city,  
6 village, or town may create or participate in a local park and recreation district under  
7 subch. VI of ch. 229.

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

9 27.075 (3) After the adoption of resolutions by the county board, ~~the county~~  
10 ~~board shall have full power to~~ it may legislate upon and administer the entire subject  
11 matter committed to it, ~~and among other things, to~~ and may determine, where not  
12 otherwise provided by law, the manner of exercising the power thus assumed. No  
13 county may exercise any power in a local park and recreation district under subch.  
14 VI of ch. 229.

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

16 27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter  
17 into ~~necessary~~ contracts with the county, and appropriate money to pay the county,  
18 for the reasonable expenses incurred in rendering the park services assumed. Such  
19 The contract shall also provide a procedure for the termination of the contract by any  
20 city, village, or town that wishes to create or participate in a local park and recreation  
21 district under subch. VI of ch. 229. The expenses may be certified, returned, and paid  
22 as are other county charges, and, in the case of services performed pursuant to under  
23 a proposal for the consolidation ~~thereof~~ of municipal park services initiated by the  
24 county board and made available to each ~~town, city and village~~ city, village, and town  
25 in the county on the same terms, the expenses ~~thereof~~ shall be certified, returned,

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

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

13 27.08 (1) Every city that is not part of a local park and recreation district under  
14 subch. VI of ch. 229 may by ordinance create a board of park commissioners subject  
15 to this section, or otherwise as provided by ordinance. ~~Such, and if the city has a~~  
16 ~~board of park commissioners the city shall terminate that board and end the board's~~  
17 ~~authority under this section upon the city's creation of or participation in a local park~~  
18 ~~and recreation district under subch. VI of ch. 229.~~ The board shall be organized as  
19 directed by the common council shall provide.

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

21 27.08 (3) ~~In any city having no~~ If a city does not have a board of park  
22 commissioners ~~its~~ and is not part of a local park and recreation district under subch.  
23 VI of ch. 229, the city's public parks, parkways, boulevards, and pleasure drives shall  
24 be under the charge of its board of public works, ~~if it has such last named board;~~  
25 ~~otherwise or, if it does not have such a board,~~ under the charge of its common council.

1 When so in charge, the board of public works or the common council may exercise all  
2 of the powers of a board of park commissioners. Upon a city's creation of or  
3 participation in a local park and recreation district under subch. VI of ch. 229, the  
4 city's board of public works or common council may not exercise any authority under  
5 this section.

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

7 30.277 (1b) (a) "Governmental unit" means a city, village, town, county, or local  
8 park and recreation district under subch. VI of ch. 229, or the Kickapoo reserve  
9 management board.

10 SECTION 43. 66.0301 (1) (a) of the statutes, as affected by 2001 Wisconsin Act  
11 16, is amended to read:

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

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



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

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

12           66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land  
13 or interests in land, or any other items of value that are imposed on a developer by  
14 a political subdivision or a local park and recreation district under this section.

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

16           66.0617 (1) (d) “Land development” means the construction or modification of  
17 improvements to real property that creates additional residential dwelling units  
18 within a political subdivision or local park and recreation district or that results in  
19 nonresidential uses that create a need for new, expanded, or improved public  
20 facilities within a political subdivision or local park and recreation district.

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

22           66.0617 (1) (dg) “Local park and recreation district” has the meaning given for  
23 district in s. 229.86 (3).

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

1           66.0617 (1) (g) "Service area" means a geographic area delineated by a political  
2           subdivision or local park and recreation district within which there are public  
3           facilities.

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

5           66.0617 (1) (h) "Service standard" means a certain quantity or quality of public  
6           facilities relative to a certain number of persons, parcels of land, or other appropriate  
7           measure, as specified by the political subdivision or local park and recreation  
8           district.

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

10          66.0617 (2) (a) Subject to par. (am), a political subdivision may enact an  
11          ordinance under this section, and a local park and recreation district may adopt a  
12          resolution under this section, that imposes impact fees on developers to pay for the  
13          capital costs that are necessary to accommodate land development.

14          **SECTION 51.** 66.0617 (2) (am) of the statutes is renumbered 66.0617 (2) (am)  
15          1.

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

17          66.0617 (2) (am) 2. No local park and recreation district may impose an impact  
18          fee under this section for any purpose other than park facilities, as defined in s.

19          229.86 (a).

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

21          66.0617 (3) PUBLIC HEARING; NOTICE. Before ~~enacting~~ <sup>a political subdivision enacts</sup> an ordinance or ~~amending~~ <sup>a local park and recreation district adopts</sup>  
22          a resolution that imposes impact fees, or ~~amending~~ <sup>amends</sup> an existing ordinance or  
23          resolution that imposes impact fees, a political subdivision or a local park and  
24          recreation district shall hold a public hearing on the proposed ordinance or  
25          amendment. Notice of the public hearing shall be published as a class 1 notice under

1 ch. 985, and shall specify where a copy of the proposed ordinance or amendment and  
2 the public facilities needs assessment may be obtained.

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

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

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

12 66.0617 (4) (b) A public facilities needs assessment or revised public facilities  
13 needs assessment that is prepared under this subsection shall be available for public  
14 inspection and copying in the office of the clerk of the political subdivision or in the  
15 office of the secretary of the board of the local park and recreation district at least 20  
16 days before the hearing under sub. (3).

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

18 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or  
19 resolution adopted under this section may impose different impact fees on different  
20 types of land development.

21 (b) An ordinance enacted or resolution adopted under this section may  
22 delineate geographically defined zones within the political subdivision or local park  
23 and recreation district and may impose impact fees on land development in a zone  
24 that differ from impact fees imposed on land development in other zones within the  
25 political subdivision or local park and recreation district. The public facilities needs

1 assessment that is required under sub. (4) shall explicitly identify the differences,  
2 such as land development or the need for those public facilities, which justify the  
3 differences between zones in the amount of impact fees imposed.

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

5 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an  
6 ordinance enacted or resolution adopted under this section:

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

8 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that  
9 are required to serve land development, as compared to existing uses of land within  
10 the political subdivision or local park and recreation district. *plat approval,*

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

12 66.0617 (6) (h) Shall be payable *no sooner than 90 days after final* by the developer to the local park and  
13 recreation district either in full or in installment payments that are approved by the  
14 park and recreation district.

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

16 66.0617 (7) LOW-COST HOUSING. An ordinance enacted or resolution adopted  
17 under this section may provide for an exemption from, or a reduction in the amount  
18 of, impact fees on land development that provides low-cost housing, except that no  
19 amount of an impact fee for which an exemption or reduction is provided under this  
20 subsection may be shifted to any other development in the land development in  
21 which the low-cost housing is located or to any other land development in the  
22 political subdivision or local park and recreation district.

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

24 66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from impact  
25 fees shall be placed in a segregated, interest-bearing account and shall be accounted

1 for separately from the other funds of the political subdivision or local park and  
2 recreation district. Impact fee revenues and interest earned on impact fee revenues  
3 may be expended only for capital costs for which the impact fees were imposed.

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

5 66.0617 (9) REFUND OF IMPACT FEES. An ordinance enacted or resolution adopted  
6 under this section shall specify that impact fees that are imposed and collected by  
7 a political subdivision or local park and recreation district but are not used within  
8 a reasonable period of time after they are collected to pay the capital costs for which  
9 they were imposed shall be refunded to the current owner of the property with  
10 respect to which the impact fees were imposed. The ordinance or resolution shall  
11 specify, by type of public facility, reasonable time periods within which impact fees  
12 must be spent or refunded under this subsection. In determining the length of the  
13 time periods under the ordinance, a political subdivision or local park and recreation  
14 district shall consider what are appropriate planning and financing periods for the  
15 particular types of public facilities for which the impact fees are imposed.

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

17 66.0617 (10) APPEAL. A political subdivision that enacts an impact fee  
18 ordinance under this section shall, by ordinance, and a local park and recreation  
19 district that adopts an impact fee resolution under this section shall, by resolution,  
20 specify a procedure under which a developer upon whom an impact fee is imposed  
21 has the right to contest the amount, collection, or use of the impact fee to the  
22 governing body of the political subdivision or local park and recreation district.

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23 SECTION 64. 67.01 (5) of the statutes is amended to read:

24 67.01 (5) "Municipality" means any of the following which is authorized to levy  
25 a tax: a county, city, village, town, school district, board of park commissioners,

1 technical college district, metropolitan sewerage district created under ss. 200.01 to  
2 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, local park  
3 and recreation district under subch. VI of ch. 229, public inland lake protection and  
4 rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other  
5 public body empowered to borrow money and issue obligations to repay the money  
6 out of public funds or revenues. "Municipality" does not include the state.

7 SECTION 65. 70.11 (37m) of the statutes is created to read:

8 70.11 (37m) LOCAL PARK AND RECREATION DISTRICT. The property of a local park  
9 and recreation district under subch. VI of ch. 229.

10 SECTION 66. 71.26 (1) (bm) of the statutes, as affected by 2001 Wisconsin Act  
11 ... (Assembly Bill 512), is amended to read:

12 71.26 (1) (bm) *Certain local districts.* Income of a local exposition district  
13 created under subch. II of ch. 229, a local professional baseball park district created  
14 under subch. III of ch. 229, a local professional football stadium district created  
15 under subch. IV of ch. 229, ~~or~~ a local cultural arts district created under subch. V of  
16 ch. 229, or a local park and recreation district created under subch. VI of ch. 229.

17 SECTION 67. 77.25 (18m) of the statutes is created to read:

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

19 SECTION 68. 77.54 (9a) (i) of the statutes is created to read:

20 77.54 (9a) (i) A local park and recreation district under subch. VI of ch. 229.

21 SECTION 69. Subchapter VI of chapter 229 [precedes 229.86] of the statutes is  
22 created to read:

CHAPTER 229

23  
22  
INSERT  
25-21 ✓

SUBCHAPTER VI  
LOCAL PARK AND  
RECREATION DISTRICTS

**229.86 Definitions.** In this subchapter:

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

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

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

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

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(6) (5) "Municipality" means any city other than a city that has a majority of its territory located in a county with a population greater than 500,000; any village other than a village that has a majority of its territory located in a county with a population greater than 500,000; or any town.

(7) (6) "Park facilities" means a public park, including improvements, that is owned by a district, *or recreational facility* ~~or a public park, including improvements, that is owned by a municipality but is under the management and control of a district, or both.~~

(8) (7) "Sponsoring municipality" means any municipality that creates a district in combination with another ~~contiguous~~ municipality.

**229.861 Creation, organization, and administration.** (1) Subject to sub.

(5), 2 or more ~~contiguous~~ municipalities may create a special purpose district that is a unit of government, that is a body corporate and politic, that is separate and

1 distinct from, and independent of, the state and the sponsoring municipalities, and  
2 that has the powers under s. 229.863, if the sponsoring municipalities do all of the  
3 following:

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

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

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

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

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

21 (a) A petition that conforms to the requirements of s. 8.40, which contains a  
22 detailed description and scale map of the proposed district, on the question of the  
23 creation of a district is circulated <sup>on or</sup> after December 31 and filed not later than 5 p.m.  
24 on the ~~first~~ <sup>first</sup> Tuesday in ~~February~~ <sup>January</sup> in each municipality that is within the boundaries  
25 of the proposed district.



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

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

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

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

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

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

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

12           4. A method to transfer title of the <sup>municipal</sup> park facilities within their individual  
13 jurisdictions to the district.

14           5. The maximum property tax levy rate that the district may impose under s.  
15 229.863 (8) (a).

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

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

*The maximum property tax levy rate may be no less than 0.7 mills  
nor more than 1.4 mills for each dollar of the district's  
equalized valuation, as determined under s. 70.57.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Handwritten note: A circle containing "INS" and "34-8" with an arrow pointing to the start of section 229.862.

9 **229.862 Jurisdiction and expansion.** The initial jurisdiction of a district

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

1           **229.863 Powers of district.** A district has all of the powers necessary or  
2 convenient to carry out the purposes and provisions of this subchapter. In addition  
3 to all other powers granted by this subchapter, a district may do all of the following:

4           (1) Adopt and alter an official seal.

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

6           (3) Maintain an office.

7           (4) In connection with park facilities:

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

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

12           (c) Grant concessions.

13           (d) Operate recreational facilities or programs.

14           (5) Employ personnel, and fix and regulate their compensation; and provide,  
15 either directly or subject to an agreement under s. 66.0301 as a participant in a  
16 benefit plan of another municipality, any employee benefits, including an employee  
17 pension plan.

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

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

24           (8) (a) To carry out its functions, levy a tax on the taxable property in the  
25 district, as equalized by the department of revenue under s. 70.57. Except as

*, consistent with a municipality's  
comprehensive plan under  
s. 66.1001 (1) (a)  
s. 66.1001 (1) (a)*



1 provided in par. (b), the board of directors shall establish the tax levy rate, subject  
2 to the limitation under s. 229.861 (5) (a) 5. The tax levy shall be applied to the  
3 respective real property and personal property tax rolls of the city, village, and town  
4 included in the district and shall not be included within any limitation on county or  
5 municipality taxes. Collected taxes levied under this paragraph shall be paid to the  
6 district treasurer.

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

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

3 (a) Maintaining the park facilities.

4 (b) Operating the park facilities.

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

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

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

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

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

12 **229.864 Powers and duties of, and limitations on, municipalities. (1)**

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

16 (2) Except as otherwise provided in this section, the governing bodies of each  
17 municipality that makes up the jurisdiction of the district may not create a park or

18 expend any funds to support <sup>municipal</sup> park or recreational facilities, ~~or~~ impose an impact fee  
19 under s. 66.0617 for <sup>municipal</sup> park facilities, <sup>or impose fees in lieu of land dedications</sup> after the imposition of the taxes described under  
20 s. 229.863 (8). *under ch. 236*

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

23 (a) Make loans to a district upon terms that the municipality considers  
24 appropriate.

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

3 **229.865 Dissolution of district.** Subject to providing for the payment of its  
4 debts, and the performance of its other contractual obligations, a district may be  
5 dissolved by the action of the board of directors. If the district is dissolved, the board  
6 of directors shall certify to the department of revenue that the district is dissolved,  
7 and the property of the district shall be transferred to the municipalities in the  
8 jurisdiction by the board of directors, based on at least all of the following factors:

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

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

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

15 (END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0267/?ins  
MES/JK/JTK/RM/MG.....

1           **Insert 24-22**

2           **SECTION 1.** 66.0617 (11) of the statutes is created to read:

3           66.0617 (11) **TRANSFER OF UNUSED IMPACT FEES.** If a city, village, or town  
4 transfers title to its municipal park facilities to a local park and recreation district,  
5 as described in s. 229.861 (5) (a) <sup>5</sup>, and if the city, village, or town has unspent impact  
6 fees that were to be used for municipal park facilities, as defined in s. 229.86 (5), the  
7 city, village, or town shall transfer such impact fees to the local park and recreation  
8 district.

9           **Insert 26-13**

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

12          **Insert 34-8**

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

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

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

6 (c) A transfer of ownership under this subsection takes effect on the date on ✓  
7 which a settlement is reached, or the date on which an arbitrator sends written  
8 notification of his or her decision.

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

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

24 (c) If a municipality adopts a resolution declaring its intention to withdraw  
25 from the district and if the board of directors approves of the resolution or, if the board

1 rejects the resolution but the resolution is approved in the referendum described  
2 under par. (b), the district shall dissolve as provided in s. 229.865 if only one  
3 municipality remains a part of the district after a municipality withdraws under this  
4 subsection. If more than one municipality remains a part of the district after a  
5 municipality withdraws, the municipality that withdraws and the board of directors  
6 shall negotiate a settlement agreement to compensate that park district for the park  
7 facilities that are located in the municipality, based on at least all of the following  
8 factors:

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

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

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

INSERT 25-28

Section #. 79.03 (3) (b) 4. a. of the statutes is amended to read:

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

History: 1971 c. 125, 215; 1973 c. 90; 1975 c. 39; 1977 c. 29, 203, 418; 1979 c. 1; 1979 c. 34 ss. 903s to 905m, 2102 (46) (d); 1979 c. 221; 1981 c. 20, 93, 314, 317; 1983 a. 27, 189; 1985 a. 29, 120; 1987 a. 27, 399; 1989 a. 31, 56, 336; 1991 a. 39, 269; 1993 a. 16, 437, 490; 1995 a. 27; 1997 a. 27, 164, 237; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

property taxes collected for local park and recreation districts,

end of insert

✓

H-3-03

exec session on AB601  
Sean Hans AB601  
LC

INSTRUCTIONS for / 2  
changes to 50267

1) change in definition of "local purpose  
revenue" under 79.03(3)(b) 4. intro

- fees collected by the district to be

"split" among the municipalities that  
comprise the district in proportion to  
the municipality's population

2) p 30 - eliminate the low end of the rate limit

3) p 37 29-15 - want language so that  
munic complies with arbitrator's decision  
during any court challenge to the decision