

2003 SENATE BILL 556

March 11, 2004 – Introduced by Senator DARLING, cosponsored by Representative STONE. Referred to Joint Survey Committee on Tax Exemptions.

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) (a), 7.51 (5) (b), 9.10 (1) (a), 9.10
3 (1) (b), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (a), 9.10 (4) (d), 9.10 (7), 10.05, 10.07 (1),
4 11.31 (1) (h) (intro.), 17.13 (intro.), 17.13 (3), 20.370 (5) (cr), 20.370 (5) (ct),
5 20.370 (5) (cu), 20.370 (5) (cv), 23.09 (19) (a) 2., 23.09 (20) (ab) 2., 23.09 (20m)
6 (a) 1., 23.09 (26) (am) (intro.), 23.09 (26) (am) 1., 23.09 (26) (am) 3., 23.09 (26)
7 (b), 23.09 (26) (d), 23.175 (1) (a), 23.305 (2), 23.33 (8) (c), 23.33 (9) (c), 23.33 (11)
8 (a), 25.50 (1) (d), 27.01 (3), 27.02 (1), 27.03 (2), 27.05 (intro.), 27.06, 27.075 (1),
9 27.075 (2), 27.075 (3), 27.075 (4), 30.277 (1b) (a), 66.0301 (1) (a), 66.0617 (1) (a),
10 66.0617 (1) (c), 66.0617 (1) (d), 66.0617 (1) (g), 66.0617 (1) (h), 66.0617 (2) (a),
11 66.0617 (3), 66.0617 (4) (a) (intro.), 66.0617 (4) (b), 66.0617 (5), 66.0617 (6)
12 (intro.), 66.0617 (6) (b), 66.0617 (7), 66.0617 (8), 66.0617 (9), 66.0617 (10), 67.01
13 (5), 71.26 (1) (bm), 350.01 (11m), 350.04 (3) (a), 350.04 (3) (b), 350.12 (4) (b) 1.,
14 350.12 (4) (b) 3., 350.12 (4) (bg) 1., 350.12 (4) (bg) 2., 350.12 (4) (bm) (intro.),

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1 350.12 (4) (bm) 1., 350.12 (4) (bm) 2., 350.12 (4) (br), 350.138 (1) (d), 350.138 (1)
2 (f) and 350.18 (1); and **to create** 5.58 (1u), 5.60 (6u), 7.53 (3m), 8.10 (6) (e), 8.11
3 (2f), 11.02 (8), 17.01 (11m), 17.27 (1f), 23.09 (26) (ag), 23.33 (9) (bn), 27.16,
4 27.161, 66.0617 (1) (am), 66.0617 (2) (am) 2., 66.0617 (6) (h), 70.11 (37m), 77.25
5 (18m), 77.54 (9a) (i) and 350.12 (4) (ar) of the statutes; **relating to:** authorizing
6 the creation of a county park district, authorizing a county park district to levy
7 a property tax, authorizing a county park district to apply for funding from
8 certain programs administered by the Department of Natural Resources, and
9 authorizing a county park district to impose impact fees and issue debt.

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

This bill authorizes any county to separate its county park commission or county park department from the county and create a county park district (district). A district is a local unit of government that is a body corporate and politic and that is separate and distinct from, and independent of, the state, the municipalities within its jurisdiction, and the county by which it is created.

Before a district may be created, the county board must adopt a resolution that addresses a number of issues, including a method to provide a loan for initial operating funds for the district and a method to transfer title of the county's park facilities to the district. Also before a district may be created, a municipality may negotiate with a county the termination of any applicable agreement or contract under which a county exercises municipal park powers within the municipality or the municipality remain a party to the agreement under which the district will assume the county's responsibilities.

In connection with park facilities, the powers of a district include: the authority to acquire, develop, maintain, improve, operate, and manage the park facilities; the authority to operate recreational facilities or programs; the authority to enter into contracts; the authority to employ personnel; the authority to impose an impact fee on developers for park facilities; the authority to issue debt for capital improvements to park facilities; and the authority to levy a property tax to carry out its functions. The bill also grants these districts eligibility for various local aid programs that are administered by the Department of Natural Resources. These programs include the local park aids program, the urban green space programs, and funding for county snowmobile trails.

A district is governed by a commission consisting of five to nine members that is elected at-large at the spring election. The commissioners are elected from

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separate geographic areas within the district, the boundaries of which are initially prescribed by the county board of supervisors in an apportionment plan. Each commissioner must, at the time of taking office, reside within the apportioned area for which he or she is elected or appointed to fill a vacancy. The terms of commissioners are three years, although the initial terms are staggered such that each one-third of the seats on the board are for terms of approximately one, two, and three years.

A district may dissolve by action of the county board of supervisors, subject to payment of the district's debts and fulfillment of its other contractual obligations. If a district is dissolved, its property must be transferred to the county that created the district.

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

TAXATION

When a district is created the portion of the county levy attributable to expenditures for park and recreational purposes is transferred to the district. Any increase in the levy is subject to approval by the electors of a district at a referendum. The district must hold the referendum at the first spring primary, spring election, September primary, general election, or special election held throughout the district that is held at least 45 days after the date on which the board of park commissioners adopts a resolution to increase the levy. The district may use the tax revenue only for park and recreational purposes.

Under the bill, the district may also levy a property tax on the property located in the district.

Under the bill, a district's income is exempt from the income tax, a district's property is exempt from the property tax, property transferred to a district is exempt from the real estate transfer fee, and sales of tangible personal property or services to the district are exempt from all state and local sales taxes and use taxes.

This bill will be referred to the Joint Survey Committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

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

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

1 **SECTION 1.** 5.02 (21) of the statutes, as affected by 2003 Wisconsin Act 24, is
2 amended to read:

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1 5.02 (21) “Spring election” means the election held on the first Tuesday in April
2 to elect judicial, educational and municipal officers, nonpartisan county officers and,
3 sewerage commissioners, and members of the county board of park commissioners.

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

5 5.58 (1u) COUNTY BOARD OF PARK COMMISSIONERS. Except as authorized in s.
6 5.655, there shall be a separate ballot for members of the board of park
7 commissioners of any county park district. Arrangement of the names on the ballot
8 shall be determined by the county park district clerk in the manner provided under
9 s. 5.60 (1) (b). The ballot shall be entitled “Official Primary Ballot for Member of the
10 Board of Park Commissioners of the County Park District.”

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

12 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
13 for any judicial office, or for any elected seat on a metropolitan sewerage commission,
14 or town sanitary district commission,; in counties having a population of 500,000 or
15 more only 2 candidates for member of the board of supervisors within each district,;
16 in counties having a population of less than 500,000 only 2 candidates for each
17 member of the county board of supervisors from each district or numbered seat or
18 only 4 candidates for each 2 members of the county board of supervisors from each
19 district whenever 2 supervisors are elected to unnumbered seats from the same
20 district,; in 1st class cities only 2 candidates for any at-large seat and only 2
21 candidates from any election district to be elected to the board of school directors,;
22 in school districts electing school board members to numbered seats, or pursuant to
23 an apportionment plan or district representation plan, only 2 school board
24 candidates for each numbered seat or within each district,; in a county park district,
25 twice as many candidates as are to be elected members of the board of park

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1 commissioners from each apportioned area; and twice as many candidates as are to
2 be elected members of other school boards or other elective officers receiving the
3 highest number of votes at the primary shall be nominees for the office at the spring
4 election. Only their names shall appear on the official spring ballot.

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

6 **5.60 (6u)** BOARD OF PARK COMMISSIONERS OF COUNTY PARK DISTRICT. Except as
7 authorized in s. 5.655, a separate ballot shall list the names of all candidates for
8 member of the board of park commissioners of any county park district.
9 Arrangement of the names on the ballot shall be determined by the county park
10 district clerk in the manner provided under sub. (1) (b). The ballot shall be entitled
11 “Official Ballot for Member of the Board of Park Commissioners of the County Park
12 District.”

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

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

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

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

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

11 7.51 (3) (b) For ballots which relate only to municipal ~~or~~, school district, or
12 county park district offices or referenda, the inspectors, in lieu of par. (a), after
13 counting the ballots shall return them to the proper ballot boxes, lock the boxes, paste
14 paper over the slots, sign their names to the paper, and deliver them and the keys
15 therefor to the municipal ~~or~~, school district, or county park district clerk. The clerk
16 shall retain the ballots until destruction is authorized under s. 7.23.

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

18 7.51 (3) (d) All absentee certificate envelopes which have been opened shall be
19 returned by the inspectors to the municipal clerk in a securely sealed carrier
20 envelope which is clearly marked “used absentee certificate envelopes”. The
21 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
22 the ballots are used in a municipal ~~or~~, school district, or county park district election
23 only, the municipal clerk shall transmit the used envelopes to the county clerk.

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

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

6 **SECTION 10.** 7.51 (5) (a) of the statutes, as affected by 2003 Wisconsin Act ...
7 (Assembly Bill 600), is amended to read:

8 7.51 (5) (a) The inspectors shall make full and accurate return of the votes cast
9 for each candidate and proposition on tally sheet forms provided by the municipal
10 clerk for that purpose. Each tally sheet shall record the returns for each office or
11 referendum by ward, unless combined returns are authorized in accordance with s.
12 5.15 (6) (b) in which case the tally sheet shall record the returns for each group of
13 combined wards. After recording the votes, the inspectors shall seal in a carrier
14 envelope outside the ballot bag or container one inspectors' statement under sub. (4)
15 (a), one tally sheet, and one poll list for delivery to the county clerk, unless the
16 election relates only to municipal ~~or~~ school district, or county park district offices or
17 referenda. The inspectors shall also similarly seal one inspectors' statement, one
18 tally sheet, and one poll list for delivery to the municipal clerk. For school district
19 elections, except in 1st class cities, the inspectors shall similarly seal one inspectors'
20 statement, one tally sheet, and one poll list for delivery to the school district clerk.
21 For county park district elections, the inspectors shall similarly seal one inspectors'
22 statement, one tally sheet, and one poll list for delivery to the county park district
23 clerk. The inspectors shall immediately deliver all ballots, statements, tally sheets,
24 lists, and envelopes to the municipal clerk.

25 **SECTION 11.** 7.51 (5) (b) of the statutes is amended to read:

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1 7.51 (5) (b) The municipal clerk shall arrange for delivery of all ballots,
2 statements, tally sheets, lists, and envelopes relating to a school district or county
3 park district election to the school district or county park district clerk, respectively.
4 The municipal clerk shall deliver the ballots, statements, tally sheets, lists, and
5 envelopes for his or her municipality relating to any county, technical college district,
6 state, or national election to the county clerk by 2 p.m. on the day following each such
7 election. The person delivering the returns shall be paid out of the municipal
8 treasury. Each clerk shall retain ballots, statements, tally sheets, or envelopes
9 received by the clerk until destruction is authorized under s. 7.23 (1).

10 **SECTION 12.** 7.53 (3m) of the statutes is created to read:

11 7.53 (3m) COUNTY PARK DISTRICT ELECTIONS. The county park district clerk shall
12 appoint 2 qualified electors of the district prior to the date of the election being
13 canvassed, who shall, with the clerk, constitute the county park district board of
14 canvassers. The clerk shall appoint a member to fill any temporary vacancy on the
15 board of canvassers. The canvass shall begin as soon as possible after receipt of the
16 returns and shall continue, without adjournment, until completed. The board of
17 canvassers may return defective returns to the municipal board of canvassers in the
18 manner provided in s. 7.60 (3). The board of canvassers shall prepare a written
19 statement showing the numbers of votes cast for each person for each office and shall
20 prepare a determination showing the names of the persons who are elected to the
21 board of park commissioners. Following each primary election, the board of
22 canvassers shall prepare a statement certifying the names of the persons who have
23 won nomination to the board of park commissioners. Each statement and
24 determination shall be attested by each of the canvassers. The board of canvassers
25 shall file each statement and determination in the county park district office.

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1 **SECTION 13.** 8.10 (6) (e) of the statutes is created to read:

2 8.10 **(6)** (e) For members of the board of park commissioners of a county park
3 district, with the county park district clerk.

4 **SECTION 14.** 8.11 (2f) of the statutes is created to read:

5 8.11 **(2f)** BOARD OF PARK COMMISSIONERS OF COUNTY PARK DISTRICT. A primary
6 shall be held in a county park district whenever there are more than twice the
7 number of candidates to be elected members of the board of park commissioners from
8 any apportioned area.

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

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

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

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

25 **SECTION 17.** 9.10 (2) (d) of the statutes is amended to read:

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

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

18 9.10 (3) (a) This subsection applies to the recall of all elective officials other
19 than city, village, town, county park district, and school district officials. City,
20 village, town, county park district, and school district officials are recalled under sub.
21 (4).

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

23 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
24 county park district, or school district official, is offered for filing, the officer against
25 whom the petition is filed may file a written challenge with the ~~municipal clerk or~~

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

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1 commissioners shall file the petition in its office. Immediately upon finding an
2 original or amended petition sufficient, with regard to a member of the board of park
3 commissioners of a county park district, the county park district clerk shall file the
4 petition in his or her office and shall transmit a copy of the petition to the governing
5 body of each city, village, and town that has territory within the jurisdiction of the
6 county park district.

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

8 9.10 (4) (d) Promptly upon receipt of a certificate or copy of the certificate issued
9 under par. (a), the governing body, school board, or board of election commissioners
10 shall call a recall election. The recall election shall be held on the Tuesday of the 6th
11 week commencing after the date on which the certificate is filed, except that if
12 Tuesday is a legal holiday the recall election shall be held on the first day after
13 Tuesday which is not a legal holiday.

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

15 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
16 article XIII, section 12, of the constitution and to extend the same rights to electors
17 of cities, villages, towns, county park districts, and school districts.

18 **SECTION 22.** 10.05 of the statutes is amended to read:

19 **10.05 Posting of notice.** Unless specifically designated elsewhere, this
20 section applies to villages, towns ~~and,~~ school districts, and county park districts.
21 Whenever a notice is required to be published, a village, town ~~or,~~ school district, or
22 county park districts may post 3 notices in lieu of publication under ch. 985 whenever
23 there is not a newspaper published within the village, town ~~or,~~ school district, or
24 county park districts or whenever the governing body of the village, town ~~or,~~ school
25 district, or county park districts chooses to post in order to supplement notice

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1 provided in a newspaper. Whenever the manner of giving notice is changed by the
2 governing body, the body shall give notice of the change in the manner used before
3 the change. Whenever posting is used, the notices shall be posted no later than the
4 day prescribed by law for publication, or, if that day falls within the week preceding
5 the election to be noticed, at least one week before the election. All notices given for
6 the same election shall be given in the same manner.

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

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

16 **SECTION 24.** 11.02 (8) of the statutes is created to read:

17 11.02 (8) If the jurisdiction under sub. (3) is a county park district, the
18 appropriate clerk is the county park district clerk.

19 **SECTION 25.** 11.31 (1) (h) (intro.) of the statutes is amended to read:

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

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1 **SECTION 26.** 17.01 (11m) of the statutes is created to read:

2 17.01 **(11m)** By a member of the board of park commissioners of a county park
3 district, to the board of park commissioners. The board of park commissioners shall
4 immediately give a copy of each resignation under this subsection to the elections
5 board and to the chief executive officer of each municipality that has territory within
6 the jurisdiction of the district.

7 **SECTION 27.** 17.13 (intro.) of the statutes is amended to read:

8 **17.13 Removal of village, town, town sanitary district, school district,**
9 **technical college and family care district, and county park district officers.**

10 (intro.) Officers of towns, town sanitary districts, villages, school districts, technical
11 college districts ~~and~~, family care districts, and county park districts may be removed
12 as follows:

13 **SECTION 28.** 17.13 (3) of the statutes is amended to read:

14 17.13 **(3)** ALL OFFICERS. Any village, town, town sanitary district, school district
15 ~~or~~, technical college district, or county park district officer, elective or appointive,
16 including those embraced within subs. (1) and (2), by ~~the~~ a judge of the circuit court
17 of ~~the~~ a circuit wherein the village, town, town sanitary district, school district ~~or~~,
18 technical college district, or county park district is situated, for cause.

19 **SECTION 29.** 17.27 (1f) of the statutes is created to read:

20 17.27 **(1f)** BOARD OF PARK COMMISSIONERS OF COUNTY PARK DISTRICT. Except as
21 provided in s. 9.10, a vacancy in the office of any member of the board of park
22 commissioners of a county park district may be filled for the residue of the unexpired
23 term by temporary appointment of the remaining members of the board of park
24 commissioners. If the vacancy occurs in any year after the first Tuesday in April and
25 on or before December 1, the vacancy shall be filled for the residue of the unexpired

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1 term, if any, at on the date of the next spring election. If the vacancy occurs in any
2 year after December 1 or on or before the first Tuesday in April, the vacancy shall be
3 filled for the residue of the unexpired term, if any, at the 2nd succeeding spring
4 election.

5 **SECTION 30.** 20.370 (5) (cr) of the statutes is amended to read:

6 20.370 (5) (cr) *Recreation aids — county snowmobile trail and area aids.* As
7 a continuing appropriation, the amounts in the schedule from the snowmobile
8 account in the conservation fund to provide state aid to counties and county park
9 districts for snowmobile trails and areas consistent with the requirements of ss.
10 23.09 (26) and 350.12 (4) (b).

11 **SECTION 31.** 20.370 (5) (ct) of the statutes is amended to read:

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

16 **SECTION 32.** 20.370 (5) (cu) of the statutes is amended to read:

17 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
18 continuing appropriation, the amounts in the schedule from moneys received from
19 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,
20 cities, counties, county park districts, and federal agencies for nonstate all-terrain
21 vehicle projects.

22 **SECTION 33.** 20.370 (5) (cv) of the statutes is amended to read:

23 20.370 (5) (cv) *Recreation aids — motorcycle recreation aids; trails.* The
24 amounts in the schedule to provide aid to towns, villages, cities and, counties and
25 county park districts for the acquisition, development, operation and maintenance

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1 of off-the-road Type 1 motorcycle trails and facilities under s. 23.09 (25) (a) and to
2 the department for the development and maintenance of existing off-the-road Type
3 1 motorcycle trails at the Black River state forest and the Bong State Recreation Area
4 under s. 23.09 (25) (a).

5 **SECTION 34.** 23.09 (19) (a) 2. of the statutes is amended to read:

6 23.09 (19) (a) 2. “Governmental unit” means a city, a village, a town, a county
7 for which a county park district has not been created, a county park district, a lake
8 sanitary district, as defined in s. 30.50 (4q), a public inland lake protection and
9 rehabilitation district, or the Kickapoo reserve management board.

10 **SECTION 35.** 23.09 (20) (ab) 2. of the statutes is amended to read:

11 23.09 (20) (ab) 2. “Municipality” means a city, a village, a town or a county for
12 which a county park district has not been created, or a county park district.

13 **SECTION 36.** 23.09 (20m) (a) 1. of the statutes is amended to read:

14 23.09 (20m) (a) 1. “Governmental unit” means a city, a village, a town, a county
15 for which a park district has not been created, a county park district, or the Kickapoo
16 reserve management board.

17 **SECTION 37.** 23.09 (26) (ag) of the statutes is created to read:

18 23.09 (26) (ag) If a county creates a county park district under s. 27.161, only
19 the county park district may receive aid and exercise the duties and powers granted
20 to counties under this subsection.

21 **SECTION 38.** 23.09 (26) (am) (intro.) of the statutes is amended to read:

22 23.09 (26) (am) (intro.) ~~Counties~~ Subject to par. (ag), counties and county park
23 districts may receive aids under this subsection distributed in accordance with s.
24 350.12 (4) to:

25 **SECTION 39.** 23.09 (26) (am) 1. of the statutes is amended to read:

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

14 **SECTION 40.** 23.09 (26) (am) 3. of the statutes is amended to read:

15 23.09 (26) (am) 3. Develop and maintain snowmobile trails, facilities and areas
16 on public lands designated by the county board ~~or by~~ or by the county park district
17 ~~or and develop and maintain snowmobile trails, facilities~~ or areas under subd. 1. or
18 2.

19 **SECTION 41.** 23.09 (26) (b) of the statutes is amended to read:

20 23.09 (26) (b) ~~The county board of any county, which, by resolution, indicates~~
21 ~~its desire~~ Any county or any county park district that wishes to receive aids under
22 this subsection shall apply to the department on forms prescribed by the department
23 and shall submit required documentation as set forth by rule on or before April 15,
24 beginning in 1978. A decision on an aid application shall be made by the department
25 on or before July 1, beginning in 1978.

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

2 23.09 **(26)** (d) Distribution of snowmobile trail development funds shall be
3 limited to trails which provide a primary access route through one county and
4 connect with another county's trails, provide access from population centers to main
5 access trails or support a high volume of use. ~~Counties~~ A county or a county park
6 district applying for aid for snowmobile trail development shall identify the type of
7 trail for which aid is being sought on the forms under par. (b).

8 **SECTION 43.** 23.175 (1) (a) of the statutes is amended to read:

9 23.175 **(1)** (a) "Political subdivision" means a city, a village, a town or a county
10 for which a county park district has not been created, or a county park district.

11 **SECTION 44.** 23.305 (2) of the statutes is amended to read:

12 23.305 **(2)** Notwithstanding ss. 23.30 and 28.04, the department may lease
13 state park land or state forest land to ~~towns, villages or counties~~ to a town, a village,
14 a county for which no county park district has been created, or a county park district
15 for outdoor recreational purposes associated with spectator sports.

16 **SECTION 45.** 23.33 (8) (c) of the statutes is amended to read:

17 23.33 **(8)** (c) *Trails.* A town, a village, a city, a county for which no county park
18 district has been created, or county park district or the department may designate
19 corridors through land which it owns or controls, or for which it obtains leases,
20 easements or permission, for use as all-terrain vehicle trails.

21 **SECTION 46.** 23.33 (9) (bn) of the statutes is created to read:

22 23.33 **(9)** (bn) *Counties with park districts.* If a county creates a county park
23 district under s. 27.161, only the county park district may receive aid for a nonstate
24 all-terrain vehicle project as provided in pars. (b) and (c).

25 **SECTION 47.** 23.33 (9) (c) of the statutes is amended to read:

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1 23.33 (9) (c) *Signs*. In addition to the projects listed in par. (b), the department
2 may provide aid under this subsection to a town, village, city ~~or~~, county, or county
3 park district for up to 100% of the cost of placing signs developed under sub. (4z) (a)
4 2.

5 **SECTION 48.** 23.33 (11) (a) of the statutes is amended to read:

6 23.33 (11) (a) ~~Counties, towns, cities and villages~~ A city, town, or village may
7 enact ordinances regulating all-terrain vehicles on all-terrain vehicle trails
8 maintained by ~~or the city, town, or village and~~ on all-terrain vehicle routes
9 designated by the ~~county, city, town,~~ or village. A county may enact ordinances
10 regulating all-terrain vehicles on all-terrain vehicle trails maintained by the
11 county, or by the county park district if such a park district has been created for the
12 county, and on all-terrain vehicle routes designated by the county or by such a park
13 district.

14 **SECTION 49.** 25.50 (1) (d) of the statutes is amended to read:

15 25.50 (1) (d) “Local government” means any county, town, village, city, power
16 district, sewerage district, drainage district, town sanitary district, public inland
17 lake protection and rehabilitation district, local professional baseball park district
18 created under subch. III of ch. 229, family care district under s. 46.2895, local
19 professional football stadium district created under subch. IV of ch. 229, local
20 cultural arts district created under subch. V of ch. 229, county park district created
21 under s. 27.161, public library system, school district or technical college district in
22 this state, any commission, committee, board, or officer of any governmental
23 subdivision of this state, any court of this state, other than the court of appeals or the
24 supreme court, or any authority created under s. 231.02, 233.02, or 234.02.

25 **SECTION 50.** 27.01 (3) of the statutes is amended to read:

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1 27.01 (3) TRANSFER OF STATE PARK LAND TO MUNICIPALITIES. The department may
2 not transfer the ownership of any state park or land within any state park to any
3 ~~county, city, village or, town, county, or county park district created under s. 27.161~~
4 unless ~~it~~ the department receives the approval of the joint committee on finance
5 regarding the appropriate level of reimbursement to be received by the state to
6 reflect the state's cost in acquiring and developing the state park or land within the
7 state park.

8 **SECTION 51.** 27.02 (1) of the statutes is amended to read:

9 27.02 (1) Except as provided under sub. (2) and except in counties that have
10 created a county park district under s. 27.161, in every county with a population of
11 at least 150,000, but less than 500,000, and in any other county with a population
12 of less than 150,000 wherein the county board has by resolution provided for a county
13 park commission subject to ss. 27.02 to 27.06, the chairperson of the county board
14 shall appoint a county park commission consisting of 7 members, any number of
15 which may be members of the county board. The appointments shall be made in
16 writing and filed in the office of the county clerk. The term of each member, except
17 county board members, is 7 years following July 1 of the year in which the
18 appointment is made and until the appointment and qualification of a successor,
19 except that the first 7 members shall be appointed respectively for such terms that
20 on July 1 in each of the 7 years following the year in which they are appointed the
21 term of one member will expire. After the original appointments one commissioner
22 shall be appointed annually in the month of June to succeed the member whose term
23 will expire on July 1 following, except that in counties with a population of at least
24 150,000 but less than 500,000 the members shall be elected by the county board of
25 supervisors. The term of any park commissioner appointed to the commission while

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1 serving as a county board member shall end when the commissioner's membership
2 on the county board terminates, unless thereafter reappointed to the commission.

3 **SECTION 52.** 27.03 (2) of the statutes is amended to read:

4 27.03 (2) In any county with a county executive or a county administrator, other
5 than in a county that creates a county park district under s. 27.161, the county
6 executive or county administrator shall appoint and supervise a general manager of
7 the park system. The appointment shall be subject to confirmation by the county
8 board unless the county board, by ordinance, elects to waive confirmation or unless
9 the appointment is made under a civil service system competitive examination
10 procedure established under s. 59.52 (8) or ch. 63. In any county with a population
11 of 500,000 or more, the general manager of the park system shall be in the
12 unclassified civil service and is subject to confirmation by the county board unless
13 the county board, by ordinance, elects to waive confirmation.

14 **SECTION 53.** 27.05 (intro.) of the statutes is amended to read:

15 **27.05 Powers of commission or general manager.** (intro.) The Except in
16 a county that creates a county park district under s. 27.161, the county park
17 commission, or the general manager in counties with a county executive or county
18 administrator, shall have charge and supervision of all county parks and all lands
19 acquired by the county for park or reservation purposes. The county park
20 commission or general manager, subject to the general supervision of the county
21 board and regulations prescribed by the county board, except as provided under s.
22 27.03 (2), may do any of the following:

23 **SECTION 54.** 27.06 of the statutes is amended to read:

24 **27.06 Mill-tax appropriation.** The Except in a county that creates a county
25 park district under s. 27.161, the county board may annually, at the same time that

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1 other county taxes are levied, levy a tax upon the taxable property of such county for
2 the purchase of land and the payment of expenses incurred in carrying on the work
3 of the park commission. In every county having a population of 500,000 or more, the
4 county park commission shall be subject to s. 59.60.

5 **SECTION 55.** 27.075 (1) of the statutes is amended to read:

6 27.075 (1) The Except in a county that creates a county park district under s.
7 27.161, the county board of any county with a population of less than 500,000 is
8 hereby vested with all powers of a local, legislative, and administrative character for
9 the purpose of governing, managing, controlling, improving, and caring for public
10 parks, parkways, boulevards, and pleasure drives; and to carry out these powers in
11 districts which it may create for different purposes, or throughout the county, and for
12 such purposes to levy county taxes, to issue bonds, assessment certificates, and
13 improvement bonds, or any other evidence of indebtedness. The powers hereby
14 conferred under this section may be exercised by the county board in any ~~town, city~~
15 ~~or village~~ city, village, or town, or part thereof located in such the county upon the
16 request of any such ~~town, city or village~~ city, village, or town, evidenced by a
17 resolution adopted by a majority vote of the members–elect of its governing body,
18 designating the particular park function, duty, or act, and the terms, if any, upon
19 which the same shall be exercised by the county board. ~~Such~~ The resolution shall
20 state whether the authority or function is to be exercised exclusively by the county
21 or jointly by the county and the ~~town, city or village~~ city, village, or town, and shall
22 also state that the exercise of such the power by the county is in the public interest.
23 Upon the receipt of the resolution, the county board may, by a resolution adopted by
24 a majority vote of its membership, elect to assume the exercise of such the authority
25 or function, upon the terms and conditions set forth in the resolution presented by

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1 ~~the town, city or village~~ city, village, or town. A city, village, or town that wishes to
2 terminate its participation with a county under s. 27.161 (3) may negotiate the
3 termination of any agreement entered into with a county under this subsection or
4 may remain a party to the agreement.

5 **SECTION 56.** 27.075 (2) of the statutes is amended to read:

6 27.075 (2) The county board of any ~~such county, or the commission of a district~~
7 created under s. 27.161, may, by a resolution adopted by a majority of its
8 membership, propose to the ~~towns, cities and villages~~ cities, villages, and towns
9 located in such ~~the~~ county, or any of them, that it offers to exercise such ~~the~~ powers
10 and functions therein in order ~~that are necessary~~ to consolidate municipal park
11 services and functions in said ~~the~~ county. ~~Such~~ The resolution shall designate the
12 particular function, duty, or act and the terms and conditions, if any, upon which the
13 county board ~~or district~~ will perform the same. The powers conferred in sub. (1) and
14 designated in such ~~the~~ resolution may thereafter be exercised by the county board,
15 ~~or commission,~~ in each such town, city or village which shall accept such ~~city, village,~~
16 ~~or town which accepts the~~ proposal by the adoption of a resolution by a majority vote
17 of the members-elect of its governing body, ~~except that no governing body may accept~~
18 ~~any proposal described under this subsection unless it contains a provision under~~
19 ~~which the city, village, or town may terminate its agreement with the county or the~~
20 ~~district.~~

21 **SECTION 57.** 27.075 (3) of the statutes is amended to read:

22 27.075 (3) After the adoption of resolutions by the county board, ~~the county~~
23 board shall have full power to ~~or the commission as defined in s. 27.16 (1), the board~~
24 ~~or commission may~~ legislate upon and administer the entire subject matter
25 committed to it, ~~and among other things, to~~ and may determine, where not otherwise

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1 provided by law, the manner of exercising the power thus assumed. No county may
2 exercise any power in a county park district under subch. VI of ch. 229.

3 **SECTION 58.** 27.075 (4) of the statutes is amended to read:

4 27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter
5 into ~~necessary~~ contracts with the county, or the district as defined in s. 27.16 (3), and
6 appropriate money to pay the county or the district, for the reasonable expenses
7 incurred in rendering the park services assumed. ~~Such~~ The contract shall also
8 provide a procedure for the termination of the contract by any city, village, or town.
9 The expenses may be certified, returned, and paid as are other county charges, and,
10 in the case of services performed ~~pursuant to~~ under a proposal for the consolidation
11 ~~thereof of municipal park services~~ initiated by the county board or district and made
12 available to each town, ~~city and village~~ city, village, and town in the county on the
13 same terms, the expenses ~~thereof~~ shall be certified, returned, and paid as county
14 charges; but ~~in the event that each and every town, city and village~~ if every city,
15 village, and town in the county ~~shall accept such~~ accepts the proposal of the county
16 board or district the expenses ~~thereof~~ shall be paid by county or district taxes to be
17 levied and collected as are other taxes for county purposes. ~~Said towns, cities and~~
18 ~~villages are vested with all necessary power to do the things herein required, and to~~
19 ~~do all things and to exercise or relinquish any of the powers herein provided or~~
20 ~~contemplated.~~ The procedure herein provided in this section for the request or
21 acceptance of the exercise of the powers conferred on the county board or district
22 commission in cities and villages is ~~hereby prescribed~~ as a special method of
23 determining the local affairs and government of such cities and villages pursuant to
24 article XI, section 3, of the constitution.

25 **SECTION 59.** 27.16 of the statutes is created to read:

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1 **27.16 Definitions.** In ss. 27.16 to 27.165:

2 **(1)** “Commission” means the governing body of a district

3 **(2)** “Commissioners” means the commissioners of a district.

4 **(3)** “District” means a county park district which is a special purpose district
5 created under s. 27.161.

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

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

10 **SECTION 60.** 27.161 of the statutes is created to read:

11 **27.161 Creation, organization, and administration.** **(1)** Any county
12 board may enact an ordinance separating its county park commission or county park
13 department from the county and create a special purpose district that is a unit of
14 government, that is a body corporate and politic, that is separate and distinct from,
15 and independent of, the state, the county, and every municipality that is located
16 within the county, and that has the powers under s. 27.163. The boundaries and
17 jurisdiction of the district is coterminous with the boundaries of the county. The
18 county board shall send copies of the ordinance to every municipality that is wholly
19 or partly within the county.

20 **(2)** Before a district may be created, the county board shall adopt a resolution
21 or enact an ordinance which shall take effect following its enactment and that
22 addresses at least all of the following provisions:

23 (a) A mechanism that provides a loan of start-up funds for the initial operating
24 costs of the district. The loaned start-up funds shall be sufficient to sustain the

1 district until it receives the first amount of proceeds from a tax that is imposed under
2 s. 27.163 (8).

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

5 (c) An apportionment plan for the election of the commissioners under sub. (6)
6 (b).

7 (d) A method to transfer title of the park facilities from the county to the
8 district.

9 **(3)** Before the county board may consider a resolution or ordinance that is
10 described under sub. (2), each municipality that is subject to an agreement or
11 contract with a county under s. 27.075 (1), (2), or (4) may negotiate with the county
12 the termination of any such agreements or contracts or may remain as a party to the
13 agreement or contract knowing that the district will assume the county's
14 responsibility under the agreement or contract.

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

16 (a) All assets and liabilities of the county with respect to park and recreational
17 functions become assets and liabilities of the district.

18 (b) All positions of the county having functions related to parks and recreation,
19 and the incumbent employees occupying those positions, become positions and
20 employees of the district. Employees so transferred have all the rights under subch.
21 IV of ch. 111 and s. 59.52 (8) or subch. I of ch. 63 that they enjoyed as employees of
22 the county. No employee so transferred who has attained permanent status in class
23 is required to serve a probationary period.

24 (c) All tangible personal property of the county with respect to park and
25 recreational functions is transferred to the district.

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1 (d) All contracts entered into by the county with respect to park and
2 recreational functions remain in effect and are transferred to the district. The
3 district shall carry out any obligations under such a contract until the contract is
4 modified or rescinded by the district, to the extent allowed under the contract.

5 (e) Any matter pending with the county with respect to park and recreational
6 functions is transferred to the district and all materials submitted to or actions taken
7 by the county with respect to park and recreational functions are considered as
8 having been submitted to or taken by the district.

9 **(5) (a) 1.** The district is governed by a commission. The commission may adopt
10 bylaws to govern the district's activities, subject to this subchapter. The commission
11 shall consist of 9 members who are elected at-large.

12 2. The commissioners shall be elected at the spring election pursuant to an
13 apportionment plan under par. (b).

14 3. The first election of commissioners shall occur in April of the year following
15 the year in which the resolution or ordinance described in sub. (2) (a) takes effect.
16 Temporary members shall be appointed according to the ordinance or resolution
17 under sub. (2) (b) to serve until the initial members are elected at the spring election
18 and qualified to take office.

19 (b) 1. Each apportionment plan shall divide the entire district into apportioned
20 geographic areas for the election of commissioners. The boundaries of the
21 apportioned areas shall remain unchanged unless the commission, by resolution
22 adopted no later than November 1 preceding a spring election, prescribes revised
23 boundaries for the election of commissioners at that election and thereafter.

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1 2. Each candidate for commissioner shall state on the face of his or her
2 declaration of candidacy and nomination papers the apportioned area for which the
3 candidate seeks office.

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

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

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

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

5 2. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify
6 to the county clerk the names of candidates who have filed valid nomination papers
7 for commissioner and who are eligible to have their names appear on the ballot under
8 s. 8.30. If any municipality lying wholly or partially within the district prepares its
9 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of
10 candidates to the municipal clerk. In making these certifications, the clerk shall
11 designate the form of each candidate's name to appear on the ballot in the manner
12 prescribed under s. 7.08 (2) (a). If a primary is held for any seat on a commission,
13 the clerk shall certify to the county clerk the names of candidates who have won
14 nomination to the commission and who are eligible to have their names appear on
15 the ballot under s. 8.30. If any municipality lying wholly or partially within the
16 district prepares its own ballots under s. 7.15 (2) (c), the clerk shall similarly certify
17 the names of candidates to the municipal clerk. The clerk shall notify the municipal
18 clerk of each municipality lying wholly or partially within the district of any district
19 election and furnish each municipal clerk with a copy of the notice of the district
20 election. If paper ballots are utilized at a district election, the clerk shall provide each
21 municipal clerk with an adequate supply of ballots for the election at least 22 days
22 before the election. The clerk shall issue certificates of election to persons who are
23 elected to the commission after each election in the manner provided under s. 7.53
24 (4).

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

3 (h) Upon the election under par. (a) and qualification of a majority of the
4 commissioners, the commission may exercise the powers and duties of a commission
5 under this subchapter.

6 (i) At its first meeting, the commission shall name the district.

7 **27.162 Jurisdiction.** The jurisdiction of a district shall consist of the territory
8 of the county that creates the district.

9 **27.163 Powers of district.** A district has all of the powers necessary or
10 convenient to carry out the purposes and provisions of ss. 27.16 to 27.165. In addition
11 to all other powers granted by this subchapter, a district may do all of the following:

12 (1) Adopt and alter an official seal.

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

14 (3) Maintain an office.

15 (4) In connection with park facilities:

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

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

20 (c) Grant concessions.

21 (d) Operate recreational facilities or programs.

22 (5) Employ personnel, and fix and regulate their compensation; and provide,
23 either directly or subject to an agreement under s. 66.0301 as a participant in a
24 benefit plan of the county, any employee benefits, including an employee pension
25 plan.

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1 **(6)** Purchase insurance, establish and administer a plan of self-insurance, or,
2 subject to an agreement with the county under s. 66.0301, participate in a
3 governmental plan of insurance or self-insurance.

4 **(7)** Set standards governing the use of, and the conduct within, its park
5 facilities and recreational facilities in order to promote public safety and convenience
6 and to maintain order.

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

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1 taxes. Collected taxes levied under this paragraph shall be paid to the district
2 treasurer.

3 (a) Accept gifts and other aid, which may be used only for the following
4 purposes:

5 (b) Maintaining the park facilities.

6 (c) Operating the park facilities.

7 (d) Making capital improvements to the park facilities.

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

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

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

12 **27.164 Powers and duties of, and limitations on, counties. (1)** Except
13 as otherwise provided in this section, the county board that created the district may
14 not create a park or expend any funds to support a park or recreational facilities, or
15 impose an impact fee under s. 66.0617 for park facilities, after the imposition of the
16 taxes described under s. 27.163 (8).

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

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

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

23 **27.165 Arbitration; dissolution of district. (1)** DISSOLUTION. If a district
24 is dissolved, on the date the dissolution becomes effective:

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1 (a) All assets and liabilities of the district become assets and liabilities of the
2 county.

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

8 (c) All tangible personal property of the district is transferred to the county.

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

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

17 **(2) ARBITRATION.** In the event that a question arises concerning the application
18 of s. 27.161 (4) or sub. (1) to any situation, the question shall be resolved by the county
19 board of supervisors, subject to any applicable law.

20 **SECTION 61.** 30.277 (1b) (a) of the statutes is amended to read:

21 30.277 **(1b)** (a) “Governmental unit” means a city, a village, a town, a county
22 for which a county park district has not been created, a county park district, or the
23 Kickapoo reserve management board.

24 **SECTION 62.** 66.0301 (1) (a) of the statutes is amended to read:

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

13 **SECTION 63.** 66.0617 (1) (a) of the statutes is amended to read:

14 66.0617 (1) (a) “Capital costs” means the capital costs to construct, expand, or
15 improve public facilities, including the cost of land, and including legal, engineering,
16 and design costs to construct, expand, or improve public facilities, except that not
17 more than 10% of capital costs may consist of legal, engineering, and design costs
18 unless the political subdivision or county park district can demonstrate that its legal,
19 engineering, and design costs which relate directly to the public improvement for
20 which the impact fees were imposed exceed 10% of capital costs. “Capital costs” does
21 not include other noncapital costs to construct, expand, or improve public facilities
22 or the costs of equipment to construct, expand, or improve public facilities.

23 **SECTION 64.** 66.0617 (1) (am) of the statutes is created to read:

24 66.0617 (1) (am) “Local park and recreation district” has the meaning given for
25 district in s. 229.86 (3).

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1 **SECTION 65.** 66.0617 (1) (c) of the statutes is amended to read:

2 66.0617 (1) (c) “Impact fees” means cash contributions, contributions of land
3 or interests in land, or any other items of value that are imposed on a developer by
4 a political subdivision or a county park district under this section.

5 **SECTION 66.** 66.0617 (1) (d) of the statutes is amended to read:

6 66.0617 (1) (d) “Land development” means the construction or modification of
7 improvements to real property that creates additional residential dwelling units
8 within a political subdivision or county park district or that results in nonresidential
9 uses that create a need for new, expanded, or improved public facilities within a
10 political subdivision or county park district.

11 **SECTION 67.** 66.0617 (1) (g) of the statutes is amended to read:

12 66.0617 (1) (g) “Service area” means a geographic area delineated by a political
13 subdivision or county park district within which there are public facilities.

14 **SECTION 68.** 66.0617 (1) (h) of the statutes is amended to read:

15 66.0617 (1) (h) “Service standard” means a certain quantity or quality of public
16 facilities relative to a certain number of persons, parcels of land, or other appropriate
17 measure, as specified by the political subdivision or county park district.

18 **SECTION 69.** 66.0617 (2) (a) of the statutes is amended to read:

19 66.0617 (2) (a) Subject to par. (am), a political subdivision may enact an
20 ordinance under this section, and a county park district may adopt a resolution
21 under this section, that imposes impact fees on developers to pay for the capital costs
22 that are necessary to accommodate land development.

23 **SECTION 70.** 66.0617 (2) (am) of the statutes is renumbered 66.0617 (2) (am)

24 1.

25 **SECTION 71.** 66.0617 (2) (am) 2. of the statutes is created to read:

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1 66.0617 (2) (am) 2. No county park district may impose an impact fee under this
2 section for any purpose other than park facilities, as defined in s. 27.16 (5).

3 **SECTION 72.** 66.0617 (3) of the statutes is amended to read:

4 66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance or adopting
5 a resolution that imposes impact fees, or amending an existing ordinance or
6 resolution that imposes impact fees, a political subdivision or a county park district
7 shall hold a public hearing on the proposed ordinance or amendment. Notice of the
8 public hearing shall be published as a class 1 notice under ch. 985, and shall specify
9 where a copy of the proposed ordinance or amendment and the public facilities needs
10 assessment may be obtained.

11 **SECTION 73.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

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

19 **SECTION 74.** 66.0617 (4) (b) of the statutes is amended to read:

20 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
21 needs assessment that is prepared under this subsection shall be available for public
22 inspection and copying in the office of the clerk of the political subdivision or in the
23 office of the secretary of the commission of the county park district at least 20 days
24 before the hearing under sub. (3).

25 **SECTION 75.** 66.0617 (5) of the statutes is amended to read:

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1 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or
2 resolution adopted under this section may impose different impact fees on different
3 types of land development.

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

12 **SECTION 76.** 66.0617 (6) (intro.) of the statutes is amended to read:

13 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an
14 ordinance enacted or resolution adopted under this section:

15 **SECTION 77.** 66.0617 (6) (b) of the statutes is amended to read:

16 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that
17 are required to serve land development, as compared to existing uses of land within
18 the political subdivision or county park district.

19 **SECTION 78.** 66.0617 (6) (h) of the statutes is created to read:

20 66.0617 (6) (h) Shall be payable by the developer to the county park district
21 either in full or in installment payments that are approved by the park district.

22 **SECTION 79.** 66.0617 (7) of the statutes is amended to read:

23 66.0617 (7) LOW-COST HOUSING. An ordinance enacted or resolution adopted
24 under this section may provide for an exemption from, or a reduction in the amount
25 of, impact fees on land development that provides low-cost housing, except that no

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1 amount of an impact fee for which an exemption or reduction is provided under this
2 subsection may be shifted to any other development in the land development in
3 which the low-cost housing is located or to any other land development in the
4 political subdivision or county park district.

5 **SECTION 80.** 66.0617 (8) of the statutes is amended to read:

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

11 **SECTION 81.** 66.0617 (9) of the statutes is amended to read:

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

23 **SECTION 82.** 66.0617 (10) of the statutes is amended to read:

24 **66.0617 (10) APPEAL.** A political subdivision that enacts an impact fee
25 ordinance under this section shall, by ordinance, and a county park district that

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1 adopts an impact fee resolution under this section shall, by resolution, specify a
2 procedure under which a developer upon whom an impact fee is imposed has the
3 right to contest the amount, collection, or use of the impact fee to the governing body
4 of the political subdivision or county park district.

5 **SECTION 83.** 67.01 (5) of the statutes is amended to read:

6 67.01 (5) “Municipality” means any of the following which is authorized to levy
7 a tax: a county, city, village, town, school district, board of park commissioners,
8 technical college district, metropolitan sewerage district created under ss. 200.01 to
9 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, county
10 park district under s. 27.161, public inland lake protection and rehabilitation district
11 established under s. 33.23, 33.235, or 33.24, and any other public body empowered
12 to borrow money and issue obligations to repay the money out of public funds or
13 revenues. “Municipality” does not include the state.

14 **SECTION 84.** 70.11 (37m) of the statutes is created to read:

15 70.11 (37m) LOCAL PARK AND RECREATION DISTRICT. The property of a county park
16 district under s. 27.161.

17 **SECTION 85.** 71.26 (1) (bm) of the statutes is amended to read:

18 71.26 (1) (bm) *Certain local districts.* Income of a local exposition district
19 created under subch. II of ch. 229, a local professional baseball park district created
20 under subch. III of ch. 229, a local professional football stadium district created
21 under subch. IV of ch. 229, a local cultural arts district created under subch. V of ch.
22 229, or a county park district under s. 27.161.

23 **SECTION 86.** 77.25 (18m) of the statutes is created to read:

24 77.25 (18m) To a county park district under s. 27.161.

25 **SECTION 87.** 77.54 (9a) (i) of the statutes is created to read:

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1 77.54 **(9a)** (i) A county park district under s. 27.161.

2 **SECTION 88.** 350.01 (11m) of the statutes is amended to read:

3 350.01 **(11m)** “Sanctioned race or derby” means a competitive snowmobile
4 event sponsored by a county, county park district, town, city or village, by a promoter,
5 by a chamber of commerce, or by a snowmobile club or other similar organization.

6 **SECTION 89.** 350.04 (3) (a) of the statutes is amended to read:

7 350.04 **(3)** (a) No county, county park district, town, city or village shall be liable
8 for any injury suffered in connection with a race or derby under this section, unless
9 the injury is caused by the negligence of the county, county park district, town, city
10 or village.

11 **SECTION 90.** 350.04 (3) (b) of the statutes is amended to read:

12 350.04 **(3)** (b) The county, county park district, town, city or village shall post
13 the provisions of par. (a) in a conspicuous place, readily accessible to all contestants
14 and spectators, and shall assist in locating and identifying persons responsible for
15 injuries that may occur.

16 **SECTION 91.** 350.12 (4) (ar) of the statutes is created to read:

17 350.12 **(4)** (ar) *Counties with park districts.* If a county creates a county park
18 district under s. 27.161, only the county park district may receive moneys as provided
19 in pars. (b) to (br).

20 **SECTION 92.** 350.12 (4) (b) 1. of the statutes is amended to read:

21 350.12 **(4)** (b) 1. State aids and funds for maintenance costs shall be 100% of
22 the actual cost of maintaining the trail per year up to a \$250 per mile per year
23 maximum, except as provided in pars. (bg) to (br). Qualifying trails are trails
24 approved by the board as snowmobile trails. State aid for development may equal
25 100% of development expenses. Aids for major reconstruction or rehabilitation

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1 projects to improve bridges may equal 100% of eligible costs. Aids for trail
2 rehabilitation may equal 100% of eligible costs. Development shall begin the same
3 year the land is acquired. Moneys available for development shall be distributed on
4 a 100% grant basis, 75% at the time of approval but no later than January 1 and 25%
5 upon completion of the project. ~~A county~~ An application from a county or a county
6 park district may include a request for development, rehabilitation or maintenance
7 of trails, or any combination thereof. Trail routes, sizes and specifications shall be
8 prescribed only by the board.

9 **SECTION 93.** 350.12 (4) (b) 3. of the statutes is amended to read:

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

20 **SECTION 94.** 350.12 (4) (bg) 1. of the statutes is amended to read:

21 350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
22 department shall make available in fiscal year 2001–02 and each fiscal year
23 thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make
24 payments to the department or to a county or county park district under par. (bm)
25 for trail maintenance costs incurred in the previous fiscal year that exceed the

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1 maximum specified under par. (b) 1. before expending any of the amount for the other
2 purposes specified in par. (b).

3 **SECTION 95.** 350.12 (4) (bg) 2. of the statutes is amended to read:

4 350.12 (4) (bg) 2. For fiscal year 2001–02, and for each fiscal year thereafter,
5 the department shall calculate an amount equal to the number of trail use stickers
6 issued under sub. (3j) in the previous fiscal year multiplied by \$15 and shall credit
7 this amount to the appropriation account under s. 20.370 (5) (cw). From the
8 appropriation account under s. 20.370 (5) (cw), the department shall make payments
9 to the department ~~or, a county,~~ or a county park district for the purposes specified in
10 par. (b). The department shall make payments under par. (bm) for trail maintenance
11 costs that were incurred in the previous fiscal year and that exceed the maximum
12 specified under par. (b) 1. before making payments for any of the other purposes
13 specified in par. (b).

14 **SECTION 96.** 350.12 (4) (bm) (intro.) of the statutes is amended to read:

15 350.12 (4) (bm) *Supplemental trail aid payments; eligibility.* (intro.) A county,
16 a county park district, or the department shall be eligible for payments under par.
17 (bg) if it applies for the aid and if all of the following apply:

18 **SECTION 97.** 350.12 (4) (bm) 1. of the statutes is amended to read:

19 350.12 (4) (bm) 1. The actual cost incurred by the department ~~or, the county,~~
20 the county park district in maintaining its trails that are qualified under par. (b) 1.
21 or 4. in the previous fiscal year exceeds the maximum of \$250 per mile per year under
22 par. (b) 1.

23 **SECTION 98.** 350.12 (4) (bm) 2. of the statutes is amended to read:

24 350.12 (4) (bm) 2. Of the actual cost incurred by the department ~~or, the county,~~
25 or the county park district in maintaining its trails that are qualified under par. (b)

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1 1. or 4. for the fiscal year applicable under subd. 1., the actual cost incurred in
2 grooming the trails exceeds a maximum of \$130 per mile per year.

3 **SECTION 99.** 350.12 (4) (br) of the statutes is amended to read:

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

10 **SECTION 100.** 350.138 (1) (d) of the statutes is amended to read:

11 350.138 (1) (d) “Snowmobile alliance” means an organization that consists of
12 or represents any combination of 2 or more snowmobile clubs ~~or~~ counties for which
13 county park districts have not been created, or county park districts.

14 **SECTION 101.** 350.138 (1) (f) of the statutes is amended to read:

15 350.138 (1) (f) “Snowmobile organization” means a snowmobile club, a
16 snowmobile alliance ~~or~~ a county for which a county park district has not been created
17 or a county park district.

18 **SECTION 102.** 350.18 (1) of the statutes is amended to read:

19 350.18 (1) ~~Counties, towns, cities and villages~~ A city, town, or village may
20 regulate snowmobile operation on snowmobile trails maintained by ~~or~~ the city, town,
21 or village and on snowmobile routes designated by the county, city, town, or village.
22 A county may regulate snowmobile operation on snowmobile trails maintained by
23 the county, or by the county park district if such a park district has been created by

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SECTION 102

1 the county, and on snowmobile routes designated by the county or by such a park
2 district.

3 (END)