



State of Wisconsin  
2003 - 2004 LEGISLATURE

*JMK*

LRB-4456/P1 7

MES/JK/JTK/MG:tpg

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*RMNK*

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

*WANTED  
THURS,  
NOW*

*gen*

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), 23.09 (19) (a) 2., 23.09 (20) (ab) 1.,

5           23.09 (20m) (a) 1., 23.0917 (4m) (a) 3., 23.094 (1), 25.50 (1) (d), 27.01 (3), 27.075

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

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

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

9           66.0617 (5), 66.0617 (6) (intro.), 66.0617 (6) (b), 66.0617 (7), 66.0617 (8), 66.0617

10          (9), 66.0617 (10), 67.01 (5), 71.26 (1) (bm), 77.71 and 77.76 (4); and **to create**

11          5.58 (1u), 5.60 (6u), 7.53 (3m), 8.10 (6) (e), 8.11 (2f), 11.02 (8), 17.01 (11m), 17.27

12          (1f), 20.566 (1) (gc), 20.835 (4) (gc), 66.0617 (1) (dg), 66.0617 (2) (am) 2., 66.0617

13          (6) (h), 70.11 (37m), 77.25 (18m), 77.54 (9a) (i), 77.704, 77.707 (3), 77.76 (3n) and

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

15          authorizing the creation of a county park district, authorizing a county park

1 district to levy a property tax, authorizing a county park district to apply for  
 2 funding from certain programs that <sup>administered by the Department</sup> receive funding from the ~~stewardship 2000~~  
 3 ~~program~~, <sup>of Natural Resources,</sup> authorizing a county park district to impose impact fees and issue  
 4 debt, <sup>and</sup> ~~making an appropriation.~~

*separate its  
county park commission or county  
park department from the county  
and*

**Analysis by the Legislative Reference Bureau**

**CREATION AND DISSOLUTION OF A DISTRICT**

This bill authorizes ~~certain contiguous municipalities (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) to jointly create a local park and recreation district (district). A district is a local unit of government that is a body corporate and politic and that is separate and distinct from, and independent of, the state, and the municipalities within its jurisdiction.~~

*any county to*

Subject to a number of conditions, a district may be created by one of two methods. Under the first method, the governing bodies of two or more contiguous municipalities adopt an enabling resolution that declares the need for establishing the district and contains a detailed description of the boundaries of the proposed district. Each municipality that adopts a substantially similar enabling resolution within 90 days, beginning with the date of adoption of the first enabling resolution, may be part of the initial jurisdiction of a district. Under the second method, a district consisting of two or more contiguous municipalities may be created by a petition and referendum. The petition must be circulated after December 31 and must be filed no later than the 3rd Tuesday in February in each municipality within the proposed boundaries of the district. If it is signed by a number of qualified electors residing in the municipality equal to at least 15% of the votes cast for governor in the municipality at the last gubernatorial election, a referendum is held at the next succeeding spring election. A district is then created with a jurisdiction that consists of each of the municipalities in which the referendum question is approved, except that no district may be created unless the referendum question is approved in at least two contiguous municipalities.

*and the county by which it is created*

Before a district may be created, the governing bodies of each of the involved municipalities must <sup>adopt a resolution that addresses</sup> reach an agreement that includes a number of components, including a method to provide a loan for initial operating funds for the district and a method to transfer title of the <sup>county's</sup> municipalities' park facilities to the district. Before such an agreement may be entered into, the participating municipalities must select an arbitrator who will decide by November 1 any of the issues that are not resolved by the municipalities by September 1, except the issue of whether to elect members of the board of directors of the district pursuant to an apportionment plan (see below). Also before a district may be created, a municipality <sup>may</sup> negotiate with a county the termination of any applicable agreement or contract under which a county

*county board issues*

*county*

*(Signature)*

administered by the Department of Natural Resources

and funding for county snowmobile trails

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

part of the county's responsibility

In connection with park facilities, the powers of a district ~~board~~ include: the authority to acquire, develop, maintain, improve, operate, and manage the park facilities; the authority to 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 ~~impose a sales tax and a use tax, and levy a property tax, to carry out its functions. Before the taxes imposed by a district may take effect, however, the district's action must be approved in a referendum.~~ The bill also grants these districts eligibility for various ~~conservation~~ programs that are funded with ~~stewardship moneys~~. These programs include the local park aids program and the urban green space programs.

local aids

A district is governed by a ~~nine member board of directors~~ that is elected at-large at the spring election. ~~Unless each of the governing bodies of the municipalities of which the district is comprised agree to the contrary, the members of the board of directors of the district are elected from separate geographic areas within the district, the boundaries of which are prescribed by the governing bodies in an apportionment plan. If the bodies cannot agree on a plan, the boundaries are prescribed by an arbitrator. The issue of whether the board of directors shall be elected pursuant to an apportionment plan is not arbitrable. Although all of the electors of the district may participate in the election of all of the members of the board of directors, if an apportionment plan is used, each member of the board of directors 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 directors are three years, although the initial terms are staggered such that each one-third of the seats on the board are for terms of approximately one, two, and three years.~~

The Commission

initially

Commissioner

consists of five to nine members

~~The members of a district board may change any decision that was made by an arbitrator. A district board may adopt procedures to expand the jurisdiction of the district to include other municipalities, the governing bodies of which approve of their inclusion in the district.~~

A district may dissolve by action of the ~~district board~~ <sup>County of Supervisors</sup> 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 ~~municipalities within the district's jurisdiction. The district board determines how, and to which municipality, the property is transferred based on factors including the current value of the park facilities initially transferred by a municipality to a district and the amount of money, sales tax revenue, and other contributions made by, or collected from, a municipality.~~

that create the district

*levies a property tax*

Under the bill, a <sup>county</sup> ~~municipality~~ within the district's jurisdiction may make loans or lease or transfer property to a district. Generally, however, a ~~municipality~~ 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 ~~imposes taxes~~.

**TAXATION**

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

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

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.

*increase the levy*  
*When a district is created the portion of the county levy attributable to expenditures for parks and recreational purposes is transferred to the district. Any increase in the levy is*

*Park and recreational*

*board of park commissioners adopts a*

**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:

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

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

7 5.58 (1u) <sup>COUNTY</sup> ~~BOARD OF DIRECTORS OF LOCAL PARK AND RECREATION DISTRICTS~~ <sup>COMMISSIONERS</sup>. Except  
8 as authorized in s. 5.655, there shall be a separate ballot for members of the board

1 ~~of directors of any local park and recreation~~ <sup>Park Commissioners of any county Park</sup> district. Arrangement of the names on  
 2 the ballot shall be determined by the ~~local park and recreation~~ <sup>county</sup> district clerk in the  
 3 manner provided under s. 5.60 (1) (b). The ballot shall be entitled "Official Primary  
 4 Ballot for Member of the Board of ~~Directors of the Local Park and Recreation~~ <sup>Park Commissioners County</sup>  
 5 District."

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

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

1 at the primary shall be nominees for the office at the spring election. Only their  
2 names shall appear on the official spring ballot.

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

4 5.60 (6u) BOARD OF ~~DIRECTORS OF CERTAIN LOCAL~~ <sup>PARK COMMISSIONERS</sup> COUNTY ~~PARK AND RECREATION DISTRICTS.~~

5 Except as authorized in s. 5.655, a separate ballot shall list the names of all  
6 candidates for member of the board of ~~directors of any local~~ <sup>PARK COMMISSIONERS</sup> county ~~park and recreation~~  
7 district. Arrangement of the names on the ballot shall be determined by the local

8 ~~county park and recreation~~ district clerk in the manner provided under sub. (1) (b). The  
9 ballot shall be entitled "Official Ballot for Member of the Board of ~~Directors of the~~ <sup>Park Commissioners</sup>  
10 ~~Local~~ <sup>County</sup> Park and Recreation District."

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

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

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

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

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

10           7.51 (3) (b) For ballots which relate only to municipal or, school district, or ~~local~~  
11 ~~county~~ county ~~park and recreation~~ district offices or referenda, the inspectors, in lieu of par. (a),  
12 after counting the ballots shall return them to the proper ballot boxes, lock the boxes,  
13 paste paper over the slots, sign their names to the paper, and deliver them and the  
14 keys therefor to the municipal or, school district, or ~~local~~ county ~~park and recreation~~ district  
15 clerk. The clerk shall retain the ballots until destruction is authorized under s. 7.23.

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

17           7.51 (3) (d) All absentee certificate envelopes which have been opened shall be  
18 returned by the inspectors to the municipal clerk in a securely sealed carrier  
19 envelope which is clearly marked "used absentee certificate envelopes". The  
20 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when  
21 the ballots are used in a municipal or, school district, or ~~local~~ county ~~park and recreation~~  
22 district election only, the municipal clerk shall transmit the used envelopes to the  
23 county clerk.

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

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 <sup>COUNTY</sup> local park and recreation  
5 district clerk for ~~local~~ <sup>county</sup> park and recreation district elections. The clerk shall then  
6 make the returns public.

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

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



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

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

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

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

1 shall file each statement and determination in the <sup>county</sup> ~~local park and recreation~~ district  
2 office.

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

4 8.10 (6) (e) For members of the board of <sup>Park Commissioners</sup> ~~directors~~ of a ~~local~~ <sup>county</sup> park and recreation  
5 district, with the ~~local park and recreation~~ <sup>county</sup> district clerk.

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

7 8.11 (2f) BOARD OF <sup>PARK COMMISSIONERS</sup> ~~DIRECTORS OF CERTAIN LOCAL~~ <sup>COUNTY</sup> PARK AND RECREATION DISTRICTS.

8 A primary shall be held in a ~~local park and recreation~~ <sup>county</sup> district whenever there are  
9 more than twice the number of candidates to be elected members of the board of  
10 ~~directors of the local park and recreation district, or, if the district elects board~~ <sup>Park Commissioners</sup>  
11 ~~members from apportioned areas, more than twice as many candidates as are to be~~  
12 ~~elected members of the board of directors, from any apportioned area.~~

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

14 9.10 (1) (a) The qualified electors of the state,; of any county, city, village, or  
15 town,; of any congressional, legislative, judicial, or school district,; of any <sup>county</sup> ~~local park~~  
16 ~~and recreation~~ district; or of any prosecutorial unit may petition for the recall of any  
17 incumbent elective official by filing a petition with the same official or agency with  
18 whom nomination papers or declarations of candidacy for the office are filed  
19 demanding the recall of the officeholder.

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

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

1 ~~recreation~~ district, or school district officer shall be signed by electors equal to at  
2 least 25% of the vote cast for the office of president at the last election within the same  
3 district or territory as that of the officeholder being recalled.

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

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

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

22 9.10 (3) (a) This subsection applies to the recall of all elective officials other  
23 than city, village, town, ~~local park and recreation~~ <sup>county</sup> district, and school district officials.  
24 City, village, town, ~~local park and recreation~~ <sup>county</sup> district, and school district officials are  
25 recalled under sub. (4).

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

2           9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,  
3           ~~local~~ <sup>county</sup> ~~park and recreation district~~, or school district official, is offered for filing, the  
4           officer against whom the petition is filed may file a written challenge with the  
5           ~~municipal clerk or board of election commissioners or school district clerk~~ official or  
6           agency with whom ~~it~~ the petition is filed, specifying any alleged insufficiency. If a  
7           challenge is filed, the petitioner may file a written rebuttal to the challenge with the  
8           ~~clerk or board of election commissioners~~ official or agency within 5 days after the  
9           challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed  
10          may file a reply to any new matter raised in the rebuttal within 2 days after the  
11          rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a  
12          reply to a rebuttal, the ~~clerk or board of election commissioners~~ official or agency  
13          shall file the certificate or an amended certificate. Within 31 days after the petition  
14          is offered for filing, the ~~clerk or board of election commissioners~~ official or agency  
15          shall determine by careful examination of the face of the petition whether the  
16          petition is sufficient and shall so state in a certificate issued by the official or agency  
17          and attached to the petition. If the petition is found to be insufficient, the certificate  
18          shall state the particulars creating the insufficiency. The petition may be amended  
19          to correct any insufficiency within 5 days following the affixing of the original  
20          certificate. Within 2 days after the offering of the amended petition for filing, the  
21          ~~clerk or board of election commissioners~~ official or agency shall again carefully  
22          examine the face of the petition to determine sufficiency and shall attach to the  
23          petition a certificate stating the findings. Immediately upon finding an original or  
24          amended petition sufficient, except in cities over 500,000 population, ~~the municipal~~  
25          ~~clerk or school district clerk~~ and except with regard to a member of the board of

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

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

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

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

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

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

23 10.05 Posting of notice. Unless specifically designated elsewhere, this  
 24 section applies to villages, towns and, school districts, and county ~~local park and recreation~~  
 25 districts. Whenever a notice is required to be published, a village, town or, school

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

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

13 10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots,  
 14 whenever any county clerk <sup>any county park district clerk</sup> or ~~and one or more municipal~~<sup>or</sup> school district ~~or local~~<sup>or</sup>  
 15 ~~park and recreation district~~ clerks within the same county are directed to publish,  
 16 ~~or whenever 2 or more municipal, school district or local park and recreation district~~  
 17 ~~clerks within the same county are directed to publish~~ any notice or portion of a notice  
 18 under this chapter on the same date in the same newspaper, the text of which is  
 19 identical, the clerks may publish one notice only. The cost of publication of such  
 20 notice or the portion of the notice required shall be apportioned equally between the  
 21 county and each municipality or, school district, or ~~local~~<sup>county</sup> park and recreation district  
 22 sharing in its publication.

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

24 11.02 (8) If the jurisdiction under sub. (3) is a ~~local~~<sup>county</sup> park and recreation district,  
 25 the appropriate clerk is the ~~local~~<sup>county</sup> park and recreation district clerk.

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

2 11.31 (1) (h) (intro.) Candidates for any local office, who are elected from a  
3 jurisdiction or district with less than 500,000 inhabitants according to the latest  
4 federal census or census information on which the district is based, as certified by  
5 the appropriate filing officer, and candidates for member of the board of <sup>park commissioners</sup> directors of  
6 a <sup>county</sup> local park and recreation district, an amount equal to the greater of the following:

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

8 17.01 (11m) By a member of the board of <sup>park commissioners</sup> ~~directors~~ of a ~~local~~ park and recreation  
9 district, to the board of <sup>park commissioners</sup> ~~directors~~. The board of <sup>park commissioners</sup> ~~directors~~ shall immediately give a copy  
10 of each resignation under this subsection to the elections board and to the chief  
11 executive officer of each municipality that has territory within the jurisdiction of the  
12 district.

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

14 17.13 (intro.) **Removal of village, town, town sanitary district, school**  
15 **district, technical college and family care district, and <sup>county</sup> local park and**  
16 **~~recreation~~ district officers.** Officers of towns, town sanitary districts, villages,  
17 school districts, technical college districts and, family care districts, <sup>county</sup> ~~and local park~~  
18 ~~and recreation~~ districts may be removed as follows:

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

20 17.13 (3) ALL OFFICERS. Any village, town, town sanitary district, school district  
21 or, technical college district, or <sup>county</sup> ~~local park and recreation~~ district officer, elective or  
22 appointive, including those embraced within subs. (1) and (2), by the a judge of the  
23 circuit court of the a circuit wherein the village, town, town sanitary district, school  
24 district or, technical college district, or <sup>county</sup> ~~local park and recreation~~ district is situated,  
25 for cause.

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

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

SECTION 30. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	2003-04	2004-05
<b>20.566 Revenue, department of</b>		
(1) COLLECTION OF TAXES		
(gc) Administration of local park and recreation district taxes	PR A	-0- -0-

SECTION 31. 20.566 (1) (gc) of the statutes is created to read:

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

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1        ~~SECTION 32.~~ 20.835 (4) (gc) of the statutes is created to read:

2        ~~20.835 (4) (gc) Local park and recreation district taxes.~~ ~~Ninety-eight and~~  
3        ~~one-half percent of all moneys received from the taxes imposed under s. 77.704, for~~  
4        ~~the purposes provided in s. 77.76 (3n).~~

5        SECTION 33. 23.09 (19) (a) 2. of the statutes is amended to read:

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

10       SECTION 34. 23.09 (20) (ab) 1. of the statutes is amended to read:

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

14       SECTION 35. 23.09 (20m) (a) 1. of the statutes is amended to read:

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

18       SECTION 36. 23.0917 (4m) (a) 3. of the statutes is amended to read:

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

23       SECTION 37. 23.094 (1) of the statutes is amended to read:

24       23.094 (1) DEFINITION. In this section, "political subdivision" means a city,  
25       village, town, county, lake sanitary district, as defined in s. 30.50 (4q), ~~or~~ public

1 inland lake protection and rehabilitation district, or local park and recreation  
2 district under subch. VI of ch. 229.

3 SECTION 38. 25.50 (1) (d) of the statutes is amended to read:

4 25.50 (1) (d) "Local government" means any county, town, village, city, power  
5 district, sewerage district, drainage district, town sanitary district, public inland  
6 lake protection and rehabilitation district, local professional baseball park district  
7 created under subch. III of ch. 229, family care district under s. 46.2895, local  
8 professional football stadium district created under subch. IV of ch. 229, local  
9 cultural arts district created under subch. V of ch. 229, ~~local park and recreation~~<sup>county</sup>  
10 ~~district created under subch. VI of ch. 229.~~<sup>A. 27.161</sup> public library system, school district or  
11 technical college district in this state, any commission, committee, board, or officer  
12 of any governmental subdivision of this state, any court of this state, other than the  
13 court of appeals or the supreme court, or any authority created under s. 231.02,  
14 233.02, or 234.02.

15 SECTION 39. 27.01 (3) of the statutes is amended to read:

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

23 SECTION 40. 27.075 (1) of the statutes is amended to read:

24 27.075 (1) The county board of any county with a population of less than  
25 500,000 is hereby vested with all powers of a local, legislative, and administrative

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

22 SECTION 41. 27.075 (2) of the statutes is amended to read:

23 27.075 (2) The county board of any ~~such~~ county may, by a resolution adopted  
24 by a majority of its membership, propose to the ~~towns, cities and villages~~ cities,  
25 villages, and towns located in ~~such the~~ county, or any of them, that it offers to exercise

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

13 **SECTION 42.** 27.075 (3) of the statutes is amended to read:

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

20 **SECTION 43.** 27.075 (4) of the statutes is amended to read:

21 27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter  
22 into necessary contracts with the county, and appropriate money to pay the county,  
23 for the reasonable expenses incurred in rendering the park services assumed. Such  
24 The contract shall also provide a procedure for the termination of the contract by any  
25 city, village, or town that wishes to create or participate in a local park and recreation

1 district under subch. VI of ch. 229. The expenses may be certified, returned, and paid  
2 as are other county charges, and, in the case of services performed pursuant to under  
3 a proposal for the consolidation thereof of municipal park services initiated by the  
4 county board and made available to each town, city and village city, village, and town  
5 in the county on the same terms, the expenses thereof shall be certified, returned,  
6 and paid as county charges; but in the event that each and every town, city and  
7 village if every city, village, and town in the county shall accept such accepts the  
8 proposal of the county board the expenses thereof shall be paid by county taxes to be  
9 levied and collected as are other taxes for county purposes. Said towns, cities and  
10 villages are vested with all necessary power to do the things herein required, and to  
11 do all things and to exercise or relinquish any of the powers herein provided or  
12 contemplated. The procedure herein provided in this section for the request or  
13 acceptance of the exercise of the powers conferred on the county board in cities and  
14 villages is hereby prescribed as a special method of determining the local affairs and  
15 government of such cities and villages pursuant to article XI, section 3, of the  
16 constitution.

17 SECTION 44. 27.08 (1) of the statutes is amended to read:

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

25 SECTION 45. 27.08 (3) of the statutes is amended to read:

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1           ~~27.08 (3) In any city having no~~ If a city does not have a board of park  
 2 commissioners its and is not part of a local park and recreation district under subch.  
 3 VI of ch. 229, the city's public parks, parkways, boulevards, and pleasure drives shall  
 4 be under the charge of its board of public works, if it has such last named board;  
 5 otherwise or, if it does not have such a board, under the charge of its common council.  
 6 When so in charge, the board of public works or the common council may exercise all  
 7 of the powers of a board of park commissioners. Upon a city's creation of or  
 8 participation in a local park and recreation district under subch. VI of ch. 229, the  
 9 city's board of public works or common council may not exercise any authority under  
 10 this section.

11           **SECTION 46.** 30.277 (1b) (a) of the statutes is amended to read:

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

15           **SECTION 47.** 66.0301 (1) (a) of the statutes is amended to read:

16           66.0301 (1) (a) In this section "municipality" means the state or any  
 17 department or agency thereof, or any city, village, town, county, school district, public  
 18 library system, public inland lake protection and rehabilitation district, sanitary  
 19 district, farm drainage district, metropolitan sewerage district, sewer utility district,  
 20 solid waste management system created under s. 59.70 (2), local exposition district  
 21 created under subch. II of ch. 229, local professional baseball park district created  
 22 under subch. III of ch. 229, local professional football stadium district created under  
 23 subch. IV of ch. 229, ~~a~~ <sup>county</sup> local cultural arts district created under subch. V of ch. 229,  
 24 ~~local park and recreation~~ <sup>AD. 27/61</sup> district created under ~~subch. VI of ch. 229,~~  
 25 district under s. 46.2895, water utility district, mosquito control district, municipal

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1 electric company, county or city transit commission, commission created by contract  
2 under this section, taxation district, regional planning commission, or city-county  
3 health department.

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

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

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

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

19 **SECTION 50.** 66.0617 (1) (d) of the statutes is amended to read:

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

25 **SECTION 51.** 66.0617 (1) <sup>(am)</sup> ~~(d)~~ of the statutes is created to read:

county park

County park

1 66.0617 (1) <sup>(am)</sup> ~~(a)~~ "Local park and recreation district" has the meaning given for  
2 district in s. 229.86 (3).

3 SECTION 52. 66.0617 (1) (g) of the statutes is amended to read:

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

7 SECTION 53. 66.0617 (1) (h) of the statutes is amended to read:

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

12 SECTION 54. 66.0617 (2) (a) of the statutes is amended to read:

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

17 SECTION 55. 66.0617 (2) (am) of the statutes is renumbered 66.0617 (2) (am)  
18 1.

19 SECTION 56. 66.0617 (2) (am) 2. of the statutes is created to read:

20 66.0617 (2) (am) 2. No ~~local park and recreation~~ <sup>county</sup>  
21 fee under this section for any purpose other than park facilities, as defined in s.  
22 ~~229.86(10)~~ 27.16 (5)

23 SECTION 57. 66.0617 (3) of the statutes is amended to read:

24 66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance or adopting  
25 a resolution that imposes impact fees, or amending an existing ordinance or



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

6 SECTION 58. 66.0617 (4) (a) (intro.) of the statutes is amended to read:

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

14 SECTION 59. 66.0617 (4) (b) of the statutes is amended to read:

15 66.0617 (4) (b) A public facilities needs assessment or revised public facilities  
16 needs assessment that is prepared under this subsection shall be available for public  
17 inspection and copying in the office of the clerk of the political subdivision or in the  
18 office of the secretary of the ~~board~~ <sup>Commission</sup> of the ~~local~~ <sup>county</sup> park and recreation district at least 20  
19 days before the hearing under sub. (3).

20 SECTION 60. 66.0617 (5) of the statutes is amended to read:

21 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or  
22 resolution adopted under this section may impose different impact fees on different  
23 types of land development.

24 (b) An ordinance enacted or resolution adopted under this section may  
25 delineate geographically defined zones within the political subdivision or ~~local~~ <sup>county</sup> park

1 ~~and recreation~~ district and may impose impact fees on land development in a zone  
 2 that differ from impact fees imposed on land development in other zones within the  
 3 political subdivision or ~~local~~ <sup>county</sup> park and recreation district. The public facilities needs  
 4 assessment that is required under sub. (4) shall explicitly identify the differences,  
 5 such as land development or the need for those public facilities, which justify the  
 6 differences between zones in the amount of impact fees imposed.

7 **SECTION 61.** 66.0617 (6) (intro.) of the statutes is amended to read:

8 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an  
 9 ordinance enacted or resolution adopted under this section:

10 **SECTION 62.** 66.0617 (6) (b) of the statutes is amended to read:

11 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that  
 12 are required to serve land development, as compared to existing uses of land within  
 13 the political subdivision or ~~local~~ <sup>county</sup> park and recreation district.

14 **SECTION 63.** 66.0617 (6) (h) of the statutes is created to read:

15 66.0617 (6) (h) Shall be payable by the developer to the ~~local~~ <sup>county</sup> park and  
 16 ~~recreation~~ district either in full or in installment payments that are approved by the  
 17 park and ~~recreation~~ district.

18 **SECTION 64.** 66.0617 (7) of the statutes is amended to read:

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

1           **SECTION 65.** 66.0617 (8) of the statutes is amended to read:

2           **66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES.** Revenues from impact  
3 fees shall be placed in a segregated, interest-bearing account and shall be accounted  
4 for separately from the other funds of the political subdivision or ~~local park and~~ <sup>county</sup>  
5 ~~recreation district~~. Impact fee revenues and interest earned on impact fee revenues  
6 may be expended only for capital costs for which the impact fees were imposed.

7           **SECTION 66.** 66.0617 (9) of the statutes is amended to read:

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

19           **SECTION 67.** 66.0617 (10) of the statutes is amended to read:

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

1 SECTION 68. 67.01 (5) of the statutes is amended to read:

2 67.01 (5) "Municipality" means any of the following which is authorized to levy  
3 a tax: a county, city, village, town, school district, board of park commissioners,  
4 technical college district, metropolitan sewerage district created under ss. 200.01 to  
5 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, ~~local park~~ <sup>county</sup>  
6 ~~and recreation~~ district under ~~subch. VI of ch. 229~~ <sup>s. 27.161</sup>, public inland lake protection and  
7 rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other  
8 public body empowered to borrow money and issue obligations to repay the money  
9 out of public funds or revenues. "Municipality" does not include the state.

10 SECTION 69. 70.11 (37m) of the statutes is created to read:

11 70.11 (37m) LOCAL PARK AND RECREATION DISTRICT. The property of a ~~local~~ <sup>county</sup> park  
12 ~~and recreation~~ district under ~~subch. VI of ch. 229~~ <sup>s. 27.161</sup>

13 SECTION 70. 71.26 (1) (bm) of the statutes is amended to read:

14 71.26 (1) (bm) *Certain local districts.* Income of a local exposition district  
15 created under subch. II of ch. 229, a local professional baseball park district created  
16 under subch. III of ch. 229, a local professional football stadium district created  
17 under subch. IV of ch. 229, a local cultural arts district created under subch. V of ch.  
18 229, or a ~~local~~ <sup>county</sup> park ~~and recreation~~ district ~~created~~ <sup>s. 27.161</sup> under ~~subch. VI of ch. 229~~

19 SECTION 71. 77.25 (18m) of the statutes is created to read:

20 77.25 (18m) To a ~~local~~ <sup>county</sup> park ~~and recreation~~ district under ~~subch. VI of ch. 229~~ <sup>s. 27.161</sup>

21 SECTION 72. 77.54 (9a) (i) of the statutes is created to read:

22 77.54 (9a) (i) A ~~local~~ <sup>county</sup> park ~~and recreation~~ district under ~~subch. VI of ch. 229~~

23 ~~SECTION 73. 77.704 of the statutes is created to read:~~

24 **77.704 Adoption by resolution; local park and recreation district.** A  
25 local park and recreation district created under subch. VI of ch. 229, by resolution

1 under s. 229.863 (8), may impose a sales tax and a use tax under this subchapter at  
2 a rate of 0.1% of the gross receipts or sales price. Those taxes may be imposed only  
3 in their entirety. The imposition of the taxes under this section shall be effective on  
4 the first day of the first month that begins at least 30 days after the certification of  
5 the approval of the resolution by the electors in the district's jurisdiction under s.  
6 229.863 (8).

7 **SECTION 74.** 77.707 (3) of the statutes is created to read:

8 **77.707 (3)** Retailers and the department of revenue may not collect a tax under  
9 s. 77.704 for any local park and recreation district created under subch. VI of ch. 229  
10 after the calendar quarter during which the local park and recreation district board  
11 makes the certification to the department of revenue under s. 229.865, except that  
12 the department of revenue may collect from retailers taxes that accrued before that  
13 calendar quarter and fees, interest, and penalties that relate to those taxes.

14 **SECTION 75.** 77.71 of the statutes is amended to read:

15 **77.71 Imposition of county and special district sales and use taxes.**

16 Whenever a county sales and use tax ordinance is adopted under s. 77.70 or a special  
17 district resolution is adopted under s. 77.704, 77.705, or 77.706, the following taxes  
18 are imposed:

19 (1) For the privilege of selling, leasing, or renting tangible personal property  
20 and for the privilege of selling, performing, or furnishing services a sales tax is  
21 imposed upon retailers at the rate of 0.5% in the case of a county tax or at the rate  
22 under s. 77.704, 77.705, or 77.706 in the case of a special district tax of the gross  
23 receipts from the sale, lease, or rental of tangible personal property, except property  
24 taxed under sub. (4), sold, leased, or rented at retail in the county or special district

1 or from selling, performing, or furnishing services described under s. 77.52 (2) in the  
2 county or special district.

3 (2) An excise tax is imposed at the rate of 0.5% in the case of a county tax or  
4 at the rate under s. 77.704, 77.705, or 77.706 in the case of a special district tax of  
5 the sales price upon every person storing, using, or otherwise consuming in the  
6 county or special district tangible personal property or services if the property or  
7 service is subject to the state use tax under s. 77.53, except that a receipt indicating  
8 that the tax under sub. (1), (3), or (4) has been paid relieves the buyer of liability for  
9 the tax under this subsection and except that if the buyer has paid a similar local tax  
10 in another state on a purchase of the same property or services that tax shall be  
11 credited against the tax under this subsection and except that for motor vehicles that  
12 are used for a purpose in addition to retention, demonstration, or display while held  
13 for sale in the regular course of business by a dealer the tax under this subsection  
14 is imposed not on the sales price but on the amount under s. 77.53 (1m).

15 (3) An excise tax is imposed upon a contractor engaged in construction  
16 activities within the county or special district, at the rate of 0.5% in the case of a  
17 county tax or at the rate under s. 77.704, 77.705, or 77.706 in the case of a special  
18 district tax of the sales price of tangible personal property that is used in  
19 constructing, altering, repairing, or improving real property and that becomes a  
20 component part of real property in that county or special district, except that if the  
21 contractor has paid the sales tax of a county in the case of a county tax or of a special  
22 district in the case of a special district tax in this state on that property, or has paid  
23 a similar local sales tax in another state on a purchase of the same property, that tax  
24 shall be credited against the tax under this subsection.

1 ~~(4) An excise tax is imposed at the rate of 0.5% in the case of a county tax or~~  
2 ~~at the rate under s. 77.704, 77.705, or 77.706 in the case of a special district tax of~~  
3 ~~the sales price upon every person storing, using, or otherwise consuming a motor~~  
4 ~~vehicle, boat, snowmobile, mobile home not exceeding 45 feet in length, trailer,~~  
5 ~~semitrailer, all-terrain vehicle or aircraft, if that property must be registered or~~  
6 ~~titled with this state and if that property is to be customarily kept in a county that~~  
7 ~~has in effect an ordinance under s. 77.70 or in a special district that has in effect a~~  
8 ~~resolution under s. 77.704, 77.705, or 77.706, except that if the buyer has paid a~~  
9 ~~similar local sales tax in another state on a purchase of the same property that tax~~  
10 ~~shall be credited against the tax under this subsection.~~

11 **SECTION 76.** 77.76 (3n) of the statutes is created to read:

12 77.76 (3n) From the appropriation under s. 20.835 (4) (gc), the department of  
13 revenue shall distribute 98.5% of the taxes reported for each local park and  
14 recreation district that has imposed taxes under this subchapter, minus the district  
15 portion of the retailers' discount, to the local park and recreation district no later  
16 than the end of the 3rd month following the end of the calendar quarter in which such  
17 amounts were reported. At the time of distribution, the department of revenue shall  
18 indicate the taxes reported by each taxpayer. In this subsection, the "district portion  
19 of the retailers' discount" is the amount determined by multiplying the total  
20 retailers' discount by a fraction, the numerator of which is the gross local park and  
21 recreation district sales and use taxes payable and the denominator of which is the  
22 sum of the gross state and local park and recreation district sales and use taxes  
23 payable. The local park and recreation district taxes distributed shall be increased  
24 or decreased to reflect subsequent refunds, audit adjustments, and all other  
25 adjustments of the local park and recreation district taxes previously distributed.

1 Interest paid on refunds of local park and recreation district sales and use taxes shall  
 2 be paid from the appropriation under s. 20.835 (4) (gc) at the rate paid by this state  
 3 under s. 77.60 (1) (a). Any local park and recreation district receiving a report under  
 4 this subsection is subject to the duties of confidentiality to which the department of  
 5 revenue is subject under s. 77.61 (5).

6 **SECTION 77.** 77.76 (4) of the statutes is amended to read:

7 77.76 (4) There shall be retained by the state 1.5% of the taxes collected for  
 8 taxes imposed by special districts under ss. 77.704, 77.705, and 77.706 and 1.75% of  
 9 the taxes collected for taxes imposed by counties under s. 77.70 to cover costs  
 10 incurred by the state in administering, enforcing, and collecting the tax. All interest  
 11 and penalties collected shall be deposited and retained by this state in the general  
 12 fund.

13 **SECTION 78.** Subchapter VI of chapter 229 [precedes 229.86] of the statutes is  
 14 created to read:

15 **CHAPTER 229**  
 16 **SUBCHAPTER VI**  
 17 **LOCAL PARK AND**  
 18 **RECREATION DISTRICTS**

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

20 (1) "~~Board of directors~~" means the board of <sup>park commissioners</sup> ~~directors~~ of a district.

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

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



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

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

8 (6) "Park facilities" means a public park, including improvements, that is  
9 owned by a district, or a public park, including improvements, that is owned by a  
10 municipality but is under the management and control of a district, or both.

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

13 **229.861 Creation, organization, and administration.** (1) Subject to sub.  
14 (5), 2 or more contiguous municipalities may create a special purpose district that is  
15 a unit of government, that is a body corporate and politic, that is separate and  
16 distinct from, and independent of, the state and the sponsoring municipalities, and  
17 that has the powers under s. 229.863, if the sponsoring municipalities do all of the  
18 following:

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

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

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

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

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

11 (a) A petition that conforms to the requirements of s. 8.40, which contains a  
12 detailed description and scale map of the proposed district, on the question of the  
13 creation of a district is circulated after December 31 and filed not later than 5 p.m.  
14 on the 3rd Tuesday in February in each municipality that is within the boundaries  
15 of the proposed district.

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

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

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

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34-22

*IN A DISTRICT*

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*A district is*  
~~a special purpose district that is a unit of government, that is a body corporate and  
politic, that is separate and distinct from, and independent of, the state and each  
municipality, and that has the powers under s. 229.363 is created, the boundaries of  
the district are determined with the boundaries of the county,~~  
*having territory within the county*

~~question shall be substantially as follows: "Shall a local park and recreation district,  
the territory of which includes in whole the ... [name of municipality], be created?"  
If a referendum question is not approved in at least 2 contiguous municipalities, no  
district may be created.~~

*county board*  
~~(5) (a) Before a district may be created, the governing bodies of each  
municipality that has adopted a resolution under sub. (1) or in which a referendum  
question has been approved under sub. (4) shall adopt a resolution or enact an  
ordinance, not later than September 1 of the year in which the resolution under sub.  
(1) or the referendum question is approved, that, subject to pars. (b) and (c), contains  
an agreement among each of the governing bodies which addresses at least all of the  
following provisions:~~  
*which shall take effect on*  
*following its enactment and*

~~(a) A mechanism that provides, from each of the municipalities, a loan of  
start-up funds for the initial operating costs of the district. The loaned start-up  
funds shall be sufficient to sustain the district until it receives the first amount of  
proceeds from a tax that is imposed under s. 229.363(8).~~  
*27.163(8)*

~~(b) A method of appointing temporary members to the board of directors under  
sub. (6) (a) to serve until the initial members are elected at the spring election and  
qualified to take office.~~  
*commissioner*

~~(c) An apportionment plan for the election of the board of directors of the district  
board under sub. (6) (b), unless the governing bodies of all of the municipalities of~~  
*commissioner*

1 ~~which the district is initially comprised provide for the election of members of the~~  
2 ~~board of directors without an apportionment plan.~~

3 (d) A method to transfer title of the park facilities <sup>from the county</sup> ~~within their individual~~  
4 ~~jurisdictions to the district.~~

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

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

17 (3) <sup>county board</sup> ~~Before the municipalities~~ may consider a resolution or ordinance that is <sup>a party to the</sup>  
18 described under ~~par. (a)~~ <sup>sub. (2)</sup> each municipality that is subject to an agreement or <sup>agreement or contract</sup>  
19 contract with a county under s. 27.075 (1), (2), or (4) <sup>may</sup> shall negotiate with the county <sup>the district will</sup>  
20 the termination of any such agreements or contracts. <sup>or may remain as</sup> If a municipality is unable to <sup>assume</sup>  
21 negotiate the termination of any agreements or contracts under s. 27.075, the <sup>responsibility under</sup>  
22 ~~municipality may not become part of a district until the agreements or contracts~~ <sup>agreement</sup>  
23 ~~expire or are otherwise terminated.~~ <sup>or contract</sup>

24 (5) (a) 1. The district is governed by <sup>a</sup> ~~its~~ <sup>committee</sup> board of directors. The ~~board of directors~~ <sup>board</sup>  
25 may adopt bylaws to govern the district's activities, subject to this subchapter.

IN 30

the district will assume responsibility under agreement or contract

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~~Except as provided in s. 229.862, the board of directors shall consist of 9 members who are elected at-large.~~ <sup>Commission</sup>

~~2. The board of directors shall be elected at the spring election pursuant to an apportionment plan under par. (b) unless the governing bodies of each of the municipalities of which the district is comprised by resolution determine, no later than November 1 preceding any spring election, that the members of the board of directors shall be elected at that election and thereafter without an apportionment plan. If the governing bodies of each municipality of which the district is comprised determine to elect members of the board of directors without an apportionment plan, the governing bodies may, no later than November 1 preceding a spring election, by resolution determine to elect members of the board of directors at that election and thereafter pursuant to an apportionment plan, if an identical plan is adopted by each of those governing bodies by that date.~~ <sup>Commissioners</sup>

3. The first election of <sup>Commissioners</sup> members of the board of directors shall occur in April of the year following the year <sup>in which the resolution or ordinance</sup> described in sub. (5)(a). Temporary members shall be appointed according to the <sup>ordinance or resolution (2) takes effect</sup> agreement reached under sub. (5)(a) <sup>12/16</sup> or imposed by an arbitrator under sub. (5)(b) to serve until the initial members are elected at the spring election and qualified to take office.

(b) 1. Each apportionment plan shall divide the entire district into apportioned geographic areas for the election of <sup>Commissioners</sup> members of the board of directors. The boundaries of the apportioned areas shall remain unchanged unless the governing <sup>commission & etc.</sup> bodies of each of the municipalities of which the district is comprised agree, by resolution adopted no later than November 1 preceding a spring election, to prescribe <sup>Commissioners</sup> revised boundaries for the election of members of the board of directors at that election and thereafter, and except that, if a municipality becomes a part of the

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

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

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

21 (d) The terms of the ~~members of the board of directors~~ *Commissioners* shall be 3 years,  
 22 beginning on the ~~next succeeding~~ *following their* first Monday in June, except that the terms of  
 23 one-third of the initial persons elected ~~or appointed~~ *or appointed* to office shall expire on the first  
 24 Monday in June that is one year following ~~the next succeeding June;~~ *that year* the terms of  
 25 one-third of the initial persons elected ~~or appointed~~ to office shall expire on the first

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

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

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

18 2. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify  
 19 to the county clerk of ~~each county lying wholly or partially within the district~~ the  
 20 names of candidates who have filed valid nomination papers for <sup>Commissioner</sup> member of the board  
 21 of directors and who are eligible to have their names appear on the ballot under s.  
 22 8.30. If any municipality lying wholly or partially within the district prepares its  
 23 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of  
 24 candidates to the municipal clerk. In making these certifications, the clerk shall  
 25 designate the form of each candidate's name to appear on the ballot in the manner

SECTION 78

*Commissioner*

1 prescribed under s. 7.08 (2) (a). If a primary is held for any seat on a ~~board of~~  
 2 ~~directors~~, the clerk shall certify to the county clerk of each county lying wholly or  
 3 ~~partially within the district~~ the names of candidates who have won nomination to the  
 4 ~~board of directors~~ and who are eligible to have their names appear on the ballot under  
 5 s. 8.30. If any municipality lying wholly or partially within the district prepares its  
 6 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of  
 7 candidates to the municipal clerk. The clerk shall notify the municipal clerk of each  
 8 municipality lying wholly or partially within the district of any district election and  
 9 furnish each municipal clerk with a copy of the notice of the district election. If paper  
 10 ballots are utilized at a district election, the clerk shall provide each municipal clerk  
 11 with an adequate supply of ballots for the election at least 22 days before the election.

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

14 (g) ~~The members of the board of directors~~ <sup>→ Commissioners</sup> shall be reimbursed for their actual  
 15 and necessary expenses incurred in the performance of their duties, <sup>but may not</sup>  
 16 <sup>receive a</sup>  
 17 <sup>salary</sup>

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

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

22 <sup>27.162</sup> ~~229.862~~ **Jurisdiction and expansion.** The <sup>initial</sup> jurisdiction of a district  
 23 shall consist of the territory of <sup>the county that creates the district</sup> ~~all of the sponsoring municipalities that have acted~~  
 24 ~~under s. 229.861 (1) and (2) and all of the participating municipalities that have acted~~  
 25 ~~under s. 229.861 (3) in same year, or within 90 days after the adoption of the first~~  
 enabling legislation that is described in s. 229.861 (1). The jurisdiction of the district  
 may be expanded to include any other contiguous municipality under procedures



1 adopted by the board of directors and consistent with an agreement entered into  
2 between the board of directors and the municipality. Under the terms of the  
3 agreement, the assets of the municipality to be included in the expanded jurisdiction  
4 shall be treated in a substantially similar manner as the assets of all other  
5 municipalities in the district. A district's jurisdiction may not be expanded unless  
6 the governing body of the municipality to be included in the expanded jurisdiction  
7 of the district approves the inclusion of the municipality in the district. Eligible  
8 electors of a municipality included in the expanded jurisdiction of a district may vote  
9 for members of the board of directors at the first election occurring after the effective  
10 date of the expansion at which members of the board of directors are elected.

11 <sup>27.163</sup> ~~229.863~~ **Powers of district.** A district has all of the powers necessary or  
12 convenient to carry out the purposes and provisions of <sup>p. 27.16 to</sup> ~~this subchapter~~. In addition  
13 to all other powers granted by this subchapter, a district may do all of the following:

- 14 (1) Adopt and alter an official seal.
- 15 (2) Sue and be sued in its own name, and plead and be impleaded.
- 16 (3) Maintain an office.
- 17 (4) In connection with park facilities:
  - 18 (a) Acquire, develop, equip, maintain, improve, operate, and manage the park  
19 facilities.
  - 20 (b) Enter into contracts, subject to such standards as may be established by the  
21 board of directors.
  - 22 (c) Grant concessions.
  - 23 (d) Operate recreational facilities or programs.
- 24 (5) Employ personnel, and fix and regulate their compensation; and provide,  
25 either directly or subject to an agreement under s. 66.0301 as a participant in a

SECTION 78

1 benefit plan of <sup>the county</sup> ~~another municipality~~, any employee benefits, including an employee  
2 pension plan.

3 (6) Purchase insurance, establish and administer a plan of self-insurance, or,  
4 subject to an agreement with <sup>the county</sup> ~~another political subdivision~~ under s. 66.0301,  
5 participate in a governmental plan of insurance or self-insurance.

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

9 ~~(8) To carry out its functions, impose, by the adoption of a resolution, the taxes~~  
10 ~~under subch. V of ch. 77, except that the taxes imposed by the resolution may not take~~  
11 ~~effect until the resolution is approved by a majority of the electors in the district's~~  
12 ~~jurisdiction~~ <sup>county</sup> voting on the resolution at a referendum, to be held at the first spring  
13 primary, spring election, September primary, general election, or special election  
14 held throughout the district that is held at least 45 days after the date of adoption  
15 of the resolution. The question <sup>submitted</sup> shall be ~~Shall a sales tax and a use tax be imposed~~  
16 ~~at the rate of 0.1% in ... [name of the district] for purposes related to park facilities?"~~ <sup>levy for the district may be increased by a specified amount.</sup>

17 The clerk of the district shall publish the notices required under s. 10.06 (4) (c), (f),  
18 and (i) for any referendum held under this subsection. Notwithstanding s. 10.06 (4)  
19 (c), the type A notice under s. 10.01 (2) (a) relating to the referendum is valid even  
20 if given and published late as long as it is given and published prior to the election  
21 as early as practicable. ~~A district may not levy any taxes under this subsection that~~  
22 ~~are not expressly authorized under subch. V of ch. 77.~~ If a board of directors adopts  
23 a resolution that <sup>increases the property tax levy for the district</sup> ~~imposes taxes~~ and the resolution is approved by the electors, the  
24 district <sup>clerk</sup> shall deliver a certified copy of the resolution to the secretary of revenue at  
25 least 30 days before its effective date.

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1 ~~(8) (9)~~ To carry out its functions, <sup>burden</sup> levy a tax on the taxable property in the district,  
2 as equalized by the department of revenue under s. 70.57, except that <sup>NO INCREASE</sup> in any year the  
3 ~~tax levy rate may not exceed 0.6 mill for each dollar of the district's equalized~~  
4 valuation, as determined under s. 70.57, and the district shall decrease the tax levy  
5 in any year by the amount of any taxes imposed under sub. (8) that is collected in the  
6 ~~immediately preceding year.~~ The tax levy shall be applied to the respective real  
7 property and personal property tax rolls of the city, village, and town included in the  
8 district and shall not be included within any limitation on county or municipality  
9 taxes. Collected taxes levied under this paragraph shall be paid to the district  
10 treasurer.

11 ~~(a) (10)~~ Accept gifts and other aid, which may be used only for the following  
12 purposes:

13 (a) Maintaining the park facilities.  
14 (b) Operating the park facilities.  
15 (c) Making capital improvements to the park facilities.

16 ~~(10) (11)~~ Administer the receipt of revenues, and oversee the payment of bills or  
17 other debts incurred by the district.

18 ~~(12)~~ With regard to the elected members of the board of directors, change any  
19 decision imposed by an arbitrator under s. 229.861 (5) (b).

20 ~~(11) (13)~~ Adopt a resolution to impose impact fees under s. 66.0617.  
21 ~~(12) (14)~~ Issue debt under ch. 67 only for capital improvements to park facilities.

22 <sup>27.164 229.864</sup> ~~229.864~~ Powers and duties of, and limitations on, <sup>counties.</sup> municipalities. ~~(1)~~  
23 The number of members of the board of directors specified in s. 229.861 (6) (a) may  
24 be changed only by an agreement that is approved unanimously by the governing  
25 bodies of each municipality that makes up the jurisdiction of the district.

1 ~~(1) (2)~~ Except as otherwise provided in this section, the <sup>county board that creates</sup> governing bodies of each <sup>the</sup> ~~municipality that makes up the jurisdiction~~ of the district may not create a park or  
 2  
 3 expend any funds to support a park or recreational facilities, or impose an impact fee  
 4 under s. 66.0617 for park facilities, after the imposition of the taxes described under  
 5 s. ~~229.863 (19)~~ <sup>27.163 (8)</sup>.

6 ~~(2) (3)~~ In addition to any powers that it may otherwise have, a municipality located  
 7 wholly or partly within a district's jurisdiction may do any of the following:

- 8 (a) Make loans to a district upon terms that the municipality considers
- 9 appropriate.
- 10 (b) Lease or transfer property to a district upon terms that the municipality
- 11 considers appropriate.

12 ~~27.165 229.865~~ **Dissolution of district.** <sup>If a district is dissolved, on the date</sup> Subject to providing for the payment of its <sup>the dissolution becomes effective.</sup>  
 13 debts, and the performance of its other contractual obligations, a district may be  
 14 dissolved by the action of the <sup>county board that created the district</sup> board of directors. If the district is dissolved, the board  
 15 of directors shall certify to the department of revenue that the district is dissolved,  
 16 and the property of the district shall be transferred to the municipalities in the  
 17 ~~jurisdiction~~ <sup>county</sup> by the board of <sup>PAY COMMISSIONERS</sup> directors, based on at least all of the following factors.

- 18 (1) The ~~current~~ value of park facilities transferred by a municipality to a
- 19 district.
- 20 (2) The amount of money contributed to the district during its existence by a
- 21 municipality under s. 229.864 (2).
- 22 (3) The amount of sales tax revenue described under s. 229.863 (8) that is
- 23 collected in each municipality during the district's existence.

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

3 (END)

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D-NOTE

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MES 21-25

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

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

SECTION 2. 27.02 (1) of the statutes is amended to read:

27.02 (1) Except as provided under sub. (2) and except in counties that have created a county park district under s. 27.16, in every county with a population of at least 150,000, but less than 500,000, and in any other county with a population of less than 150,000 wherein the county board has by resolution provided for a county park commission subject to ss. 27.02 to 27.06, the chairperson of the county board shall appoint a county park commission consisting of 7 members, any number of which may be members of the county board. The appointments shall be made in writing and filed in the office of the county clerk. The term of each member, except county board members, is 7 years following July 1 of the year in which the appointment is made and until the appointment and qualification of a successor, except that the first 7 members shall be appointed respectively for such terms that on July 1 in each of the 7 years following the year in which they are appointed the term of one member will expire. After the original appointments one commissioner shall be appointed



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cont

annually in the month of June to succeed the member whose term will expire on July 1 following, except that in counties with a population of at least 150,000 but less than 500,000 the members shall be elected by the county board of supervisors. The term of any park commissioner appointed to the commission while serving as a county board member shall end when the commissioner's membership on the county board terminates, unless thereafter reappointed to the commission.

History: 1971 c. 209; 1983 a. 192; 1985 a. 29.

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

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

History: 1973 c. 262; 1981 c. 217; 1985 a. 29; 1995 a. 201.

**SECTION 4.** 27.05 (intro.) of the statutes is amended to read:

**27.05 Powers of commission or general manager.** (intro.) The Except in a county that creates a county park district under s. 27.161, the county park commission, or the general manager in counties with a county executive or county administrator, shall have charge and supervision of all county parks and all lands acquired by the county for park or reservation purposes. The county park commission or general manager, subject to the general supervision of the county

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INS <sup>MES</sup> 21-25  
cont

board and regulations prescribed by the county board, except as provided under s. 27.03 (2), may do any of the following:

History: 1985 a. 29 ss. 650, 3200 (56); 1993 a. 246; 1995 a. 201; 1999 a. 83.

**SECTION 5.** 27.06 of the statutes is amended to read:

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

History: 1975 c. 78, 200, 422; 1995 a. 201.

**SECTION 6.** 27.075 (1) of the statutes is amended to read:

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





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state whether the authority or function is to be exercised exclusively by the county or jointly by the county and the ~~town, city or village~~ city, village, or town, and shall also state that the exercise of ~~such~~ the power by the county is in the public interest. Upon the receipt of the resolution, the county board may, by a resolution adopted by a majority vote of its membership, elect to assume the exercise of ~~such~~ the authority or function, upon the terms and conditions set forth in the resolution presented by the ~~town, city or village~~ city, village, or town. A city, village, or town that wishes to terminate its participation with a county under s. 27.161 (3) may negotiate the termination of any agreement entered into with a county under this subsection or may remain a party to the agreement.

**SECTION 7.** 27.075 (2) of the statutes is amended to read:

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



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which the city, village, or town may terminate its agreement with the county or the district.

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

27.075 (3) After the adoption of resolutions by the county board, ~~the county board shall have full power to~~ or the commission as defined in s. 27.16 (1), the board or commission may legislate upon and administer the entire subject matter committed to it, ~~and among other things, to~~ and may determine, where not otherwise provided by law, the manner of exercising the power thus assumed. No county may exercise any power in a county park district under subch. VI of ch. 229.

**SECTION 9.** 27.075 (4) of the statutes is amended to read:

27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter into ~~necessary~~ contracts with the county, or the district as defined in s. 27.16 (3), and appropriate money to pay the county or the district, for the reasonable expenses incurred in rendering the park services assumed. ~~Such~~ The contract shall also provide a procedure for the termination of the contract by any city, village, or town. The expenses may be certified, returned, and paid as are other county charges, and, in the case of services performed ~~pursuant to~~ under a proposal for the consolidation thereof of municipal park services initiated by the county board or district and made available to each town, ~~city and village~~ city, village, and town in the county on the same terms, the expenses thereof shall be certified, returned, and paid as county charges; but ~~in the event that each and every town, city and village~~ if every city, village, and town in the county ~~shall accept such~~ accepts the proposal of the county board or district the expenses thereof shall be paid by county or district taxes to be levied and collected as are other taxes for county purposes. ~~Said towns, cities and villages are vested with all necessary power to do the things herein required, and to~~



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INS 21-25 cont

~~do all things and to exercise or relinquish any of the powers herein provided or contemplated.~~ The procedure herein provided in this section for the request or acceptance of the exercise of the powers conferred on the county board or district commission in cities and villages is ~~hereby prescribed as a special method of~~ determining the local affairs and government of such cities and villages pursuant to article XI, section 3, of the constitution.

**SECTION 10.** 27.16 of the statutes is created to read:

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

- (1) "Commission" means the governing body of a district
- (2) "Commissioners" means the commissioners of a district.
- (3) "District" means a county park district which is a special purpose district created under ss. 27.161.
- (4) "Municipality" means a city, village, or town.
- (5) "Park facilities" means a public park, including improvements, that is owned by a district, or a public park, including improvements, that is owned by a municipality but is under the management and control of a district, or both.

**SECTION 11.** 27.161 of the statutes is created to read:

**27.161 Creation, organization, and administration.** (1) Any county board may enact an ordinance separating its county park commission or county park department from the county and create a special purpose district that is a unit of government, that is a body corporate and politic, that is separate and distinct from, and independent of, the state, the county, and every municipality that is located within the county, and that has the powers under s. 27.163. The boundaries and jurisdiction of the district is coterminous with the boundaries of the county. The



*INS MES 21-25, cont*

county board shall send copies of the ordinance to every municipality that is wholly or partly within the county.

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



*INS MES 21-25, cont*

*A district is*  
 1 a special purpose district that is a unit of government, ~~that is a body corporate and~~  
 2 politic, ~~that is~~ *A district is* separate and distinct from, and independent of, the state *the county* and each  
 3 municipality, *having territory within the county* and that has the powers under s. 229.868 ~~is created~~, *The boundaries of*  
 4 ~~the district are coterminous with the boundaries of the county,~~ *which include each municipality in which the question is approved.* The referendum  
 5 question shall be substantially as follows: "Shall a local park and recreation district,  
 6 the territory of which includes in whole the ... [name of municipality], be created?"  
 7 If a referendum question is not approved in at least 2 contiguous municipalities, no  
 8 district may be created.

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

- 16 (a) ~~§~~ A mechanism that provides, ~~from each of the municipalities,~~ a loan of  
 17 start-up funds for the initial operating costs of the district. The loaned start-up  
 18 funds shall be sufficient to sustain the district until it receives the first amount of  
 19 proceeds from a tax that is imposed under s. ~~229.863~~ *27.163(8)*.
- 20 (b) ~~§~~ A method of appointing temporary members to the board of directors under  
 21 ~~sub. (6) (a)~~ *commissioners* to serve until the initial members are elected at the spring election and  
 22 qualified to take office.
- 23 (c) ~~§~~ An apportionment plan for the election of the board of directors of the district  
 24 ~~board under sub. (6) (b), unless the governing bodies of all of the municipalities of~~ *commissioners*



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INS MES 21-25  
cont

1 ~~which the district is initially comprised provide for the election of members of the~~  
2 ~~board of directors without an apportionment plan.~~

3 (d) A method to transfer title of the park facilities <sup>from the county</sup> ~~within their individual~~  
4 ~~jurisdictions to the district.~~

5 (b) 1. Before the municipalities may consider a resolution or ordinance that is  
6 described in par. (a), all of the municipalities shall enter into an agreement on the  
7 selection of an arbitrator who will decide any of the issues under par. (a) that are not  
8 resolved by the municipalities by September 1 of the year described under par. (a),  
9 except as provided in subd. 2. If the municipalities are unable to reach agreement  
10 on any of the items listed in par. (a), the arbitrator shall enter a binding decision,  
11 which resolves all such outstanding items, not later than November 1 of the year  
12 described under par. (a).  
13 2. If the municipalities are unable to reach an agreement concerning whether  
14 the members of the board of directors shall be elected with or without an  
15 apportionment plan under sub. (6) (b), the board of directors shall be elected  
16 ~~pursuant to an apportionment plan.~~

17 (3) <sup>county board</sup> Before the ~~municipalities~~ may consider a resolution or ordinance that is  
18 described under ~~par. (a)~~ <sup>sub. (2)</sup> each municipality that is subject to an agreement or  
19 contract with a county under s. 27.075 (1), (2), or (4) <sup>may</sup> ~~shall~~ negotiate with the county  
20 the termination of any such agreements or contracts. <sup>or may remain as</sup> If a municipality is unable to <sup>the district will</sup>  
21 ~~negotiate the termination of any agreements or contracts under s. 27.075, the~~ <sup>responsibility under</sup>  
22 ~~municipality may not become part of a district until the agreements or contracts~~ <sup>or contra</sup>  
23 ~~expire or are otherwise terminated.~~

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24 (5) (a) 1. The district is governed by <sup>its</sup> ~~its~~ board of directors. The <sup>board</sup> ~~board~~ of directors <sup>commission</sup>  
25 may adopt bylaws to govern the district's activities, subject to this subchapter.



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21-25*

*COMMISSION*

1 ~~Except as provided in s. 229.862, the board~~ of directors shall consist of 9 members  
2 who are elected at-large.

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

14 3. The first election of ~~members of the board of directors~~ *COMMISSIONERS* shall occur in April of  
15 the year following the year ~~described in sub. (5)(a)~~ *in which the resolution or ordinance*  
16 appointed according to the ~~agreement reached under sub. (5)(a) or imposed by an~~ *ordinance or resolution (2) takes effect*  
17 ~~arbitrator under sub. (5)(b) to serve until the initial members are elected at the~~  
18 spring election 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 ~~members of the board of directors~~ *COMMISSIONERS*. The  
21 boundaries of the apportioned areas shall remain unchanged unless the ~~governing~~  
22 ~~bodies of each of the municipalities of which the district is comprised agree, by~~ *commission board*  
23 resolution adopted no later than November 1 preceding a spring election, ~~to~~ *prescribes*  
24 revised boundaries for the election of ~~members of the board of directors~~ *COMMISSIONERS* at that  
25 election and thereafter, ~~and except that, if a municipality becomes a part of the~~



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

9 2. ~~If the members of the board of directors are elected pursuant to an~~  
10 ~~apportionment plan, each candidate for~~ <sup>Commissioner</sup> ~~member of the board of directors shall state~~  
11 ~~on the face of his or her declaration of candidacy and nomination papers the~~  
12 ~~apportioned area for which the candidate seeks office.~~

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

21 (d) The terms of the ~~members of the board of directors~~ shall be 3 years,  
22 beginning on the ~~next succeeding~~ first Monday in June, <sup>Commissioners</sup> ~~except that the terms of~~ <sup>following their election to office</sup>  
23 ~~one-third of the initial persons elected or appointed to office shall expire on the first~~  
24 ~~Monday in June that is one year following the next succeeding June; the terms of~~ <sup>that year</sup>  
25 ~~one-third of the initial persons elected or appointed to office shall expire on the first~~





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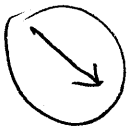
1 Monday in June that is 2 years following <sup>that year</sup> ~~the next succeeding June~~; and the terms  
2 of one-third of the persons elected or appointed to office shall expire on the first  
3 Monday in June that is 3 years following <sup>that year</sup> ~~the next succeeding June~~. Members of the  
4 <sup>Commission</sup> ~~board of directors~~ may be removed from office before the expiration of their terms,

5 <sup>Commission</sup> for cause, as provided under s. 17.13 (3) and may be recalled as provided under s.  
6 9.10. Vacancies in the office of ~~member of the board of directors~~ shall be filled as  
7 provided under s. 17.27 (1f).

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

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

18 2. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify  
19 to the county clerk of ~~each county lying wholly or partially within the district~~ the  
20 names of candidates who have filed valid nomination papers for <sup>commissioner</sup> ~~member of the board~~  
21 ~~of directors~~ and who are eligible to have their names appear on the ballot under s.  
22 8.30. If any municipality lying wholly or partially within the district prepares its  
23 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of  
24 candidates to the municipal clerk. In making these certifications, the clerk shall  
25 designate the form of each candidate's name to appear on the ballot in the manner



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*Commission*  
*board*

1 prescribed under s. 7.08 (2) (a). If a primary is held for any seat on a ~~board of~~  
2 ~~directors~~, the clerk shall certify to the county clerk of each county lying wholly or  
3 ~~partially within the district~~ the names of candidates who have won nomination to the  
4 ~~board of directors~~ and who are eligible to have their names appear on the ballot under  
5 s. 8.30. If any municipality lying wholly or partially within the district prepares its  
6 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of  
7 candidates to the municipal clerk. The clerk shall notify the municipal clerk of each  
8 municipality lying wholly or partially within the district of any district election and  
9 furnish each municipal clerk with a copy of the notice of the district election. If paper  
10 ballots are utilized at a district election, the clerk shall provide each municipal clerk  
11 with an adequate supply of ballots for the election at least 22 days before the election.

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

14 (g) ~~The members of the board of directors~~ *→ Commissioners* shall be reimbursed for their actual  
15 and necessary expenses incurred in the performance of their duties. *but may not receive a salary*

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

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

20 *27.162* ~~229.862~~ **Jurisdiction and expansion.** The ~~initial~~ *initial* jurisdiction of a district  
21 shall consist of the territory of ~~all of the sponsoring municipalities that have acted~~  
22 ~~under s. 229.861 (1) and (2) and all of the participating municipalities that have acted~~  
23 ~~under s. 229.861 (3) in same year, or within 90 days after the adoption of the first~~  
24 ~~enabling legislation that is described in s. 229.861 (1). The jurisdiction of the district~~  
25 ~~may be expanded to include any other contiguous municipality under procedures~~



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1 adopted by the board of directors and consistent with an agreement entered into  
 2 between the board of directors and the municipality. Under the terms of the  
 3 agreement, the assets of the municipality to be included in the expanded jurisdiction  
 4 shall be treated in a substantially similar manner as the assets of all other  
 5 municipalities in the district. A district's jurisdiction may not be expanded unless  
 6 the governing body of the municipality to be included in the expanded jurisdiction  
 7 of the district approves the inclusion of the municipality in the district. Eligible  
 8 electors of a municipality included in the expanded jurisdiction of a district may vote  
 9 for members of the board of directors at the first election occurring after the effective  
 10 date of the expansion at which members of the board of directors are elected.

11 <sup>27.163</sup> ~~229.86B~~ **Powers of district.** A district has all of the powers necessary or  
 12 convenient to carry out the purposes and provisions of <sup>no. 27.16 to</sup> ~~this subchapter~~. In addition  
 13 to all other powers granted by this subchapter, a district may do all of the following:

- 14 (1) Adopt and alter an official seal.
- 15 (2) Sue and be sued in its own name, and plead and be impleaded.
- 16 (3) Maintain an office.
- 17 (4) In connection with park facilities:
  - 18 (a) Acquire, develop, equip, maintain, improve, operate, and manage the park
  - 19 facilities.
  - 20 (b) Enter into contracts, subject to such standards as may be established by the
  - 21 board of directors.
  - 22 (c) Grant concessions.
  - 23 (d) Operate recreational facilities or programs.
  - 24 (5) Employ personnel, and fix and regulate their compensation; and provide,
  - 25 either directly or subject to an agreement under s. 66.0301 as a participant in a



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1 benefit plan of <sup>the county</sup> ~~another municipality~~; any employee benefits, including an employee  
2 pension plan.

3 (6) Purchase insurance, establish and administer a plan of self-insurance, or,  
4 subject to an agreement with <sup>the county</sup> ~~another political subdivision~~ under s. 66.0301,  
5 participate in a governmental plan of insurance or self-insurance.

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

9 ~~(8) To carry out its functions, impose, by the adoption of a resolution, the taxes~~  
10 ~~under subch. V of ch. 77, except that the taxes imposed by the resolution may not take~~  
11 ~~effect until the resolution is approved by a majority of the electors in the district's~~  
12 ~~jurisdiction~~ <sup>county</sup> voting on the resolution at a referendum, to be held at the first spring  
13 primary, spring election, September primary, general election, or special election  
14 held throughout the district that is held at least 45 days after the date of adoption  
15 of the resolution. The question shall be <sup>submitted</sup> ~~Shall a sales tax and a use tax be imposed~~  
16 ~~at the rate of 0.1% in .... [name of the district] for purposes related to park facilities?~~ <sup>levy for the district may be increased by a specified amount.</sup>

17 The clerk of the district shall publish the notices required under s. 10.06 (4) (c), (f),  
18 and (i) for any referendum held under this subsection. Notwithstanding s. 10.06 (4)  
19 (c), the type A notice under s. 10.01 (2) (a) relating to the referendum is valid even  
20 if given and published late as long as it is given and published prior to the election  
21 as early as practicable. ~~A district may not levy any taxes under this subsection that~~  
22 ~~are not expressly authorized under subch. V of ch. 77.~~ If a board of directors adopts  
23 a resolution that <sup>increases the property tax levy for the district</sup> ~~imposes taxes~~ and the resolution is approved by the electors, the  
24 district <sup>clerk</sup> shall deliver a certified copy of the resolution to the secretary of revenue at  
25 least 30 days before its effective date.

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*IN 9 MES 12-25*

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(8) ~~(9)~~ To carry out its functions, <sup>by resolution</sup> levy a tax on the taxable property in the district, as equalized by the department of revenue under s. 70.57, except that <sup>NO INCREASE</sup> ~~in any year the tax levy rate may not exceed 0.6 mill for each dollar of the district's equalized valuation, as determined under s. 70.57, and the district shall decrease the tax levy in any year by the amount of any taxes imposed under sub. (8) that is collected in the immediately preceding year.~~ <sup>in the tax levy rate is effective ~~IN 9~~ FROM PREVIOUS PAGE</sup> The tax levy shall be applied to the respective real property and personal property tax rolls of the city, village, and town included in the district and shall not be included within any limitation on county or municipality taxes. Collected taxes levied under this paragraph shall be paid to the district treasurer.

(a) ~~(10)~~ Accept gifts and other aid, which may be used only for the following purposes:

- (a) Maintaining the park facilities.
- (b) Operating the park facilities.
- (c) Making capital improvements to the park facilities.

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

~~(12) With regard to the elected members of the board of directors, change any decision imposed by an arbitrator under s. 229.861 (5) (b).~~

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

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

27,164 ~~229,864~~ Powers and duties of, and limitations on, <sup>counties.</sup> municipalities. (1)

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

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*County board that created the district*

1 (1) ~~(1)~~ Except as otherwise provided in this section, the governing bodies of each  
2 ~~municipality that makes up the jurisdiction of the district~~ may not create a park or  
3 expend any funds to support a park or recreational facilities, or impose an impact fee  
4 under s. 66.0617 for park facilities, after the imposition of the taxes described under  
5 s. ~~229.863(1)~~ *27.163(8)*.

6 (2) ~~(2)~~ In addition to any powers that it may otherwise have, a municipality located  
7 wholly or partly within a district's jurisdiction may do any of the following:

8 (a) Make loans to a district upon terms that the municipality considers  
9 appropriate.

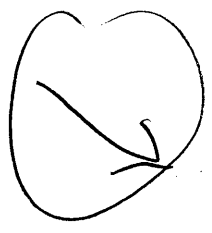
10 (b) Lease or transfer property to a district upon terms that the municipality  
11 considers appropriate.

12 *27.165* ~~229.865~~ *Arbitration;* **Dissolution of district.** *(1) If a district is dissolved, on the date the dissolution becomes effective!*  
13 ~~Subject to providing for the payment of its~~  
14 ~~debts, and the performance of its other contractual obligations, a district may be~~  
15 ~~dissolved by the action of the~~ *county board that created the district* ~~board of directors.~~ If the district is dissolved, the board  
16 of directors shall certify to the department of revenue that the district is dissolved,  
17 and the property of the district shall be transferred to the ~~municipalities in the~~ *county* ~~jurisdiction~~ *park commissioners* by the board of directors, based on at least all of the following factors

18 (1) ~~The current value of park facilities transferred by a municipality to a~~  
19 ~~district.~~

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

22 (3) ~~The amount of sales tax revenue described under s. 229.863 (8) that is~~  
23 ~~collected in each municipality during the district's existence.~~



LEGISLATIVE REFERENCE BUREAU

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~~(#) If a district is created, on the date that the creation becomes effective:~~

(a) All assets and liabilities of the ~~county~~ <sup>district</sup> with respect to park and recreational ~~functions~~ become assets and liabilities of the ~~district~~ <sup>county</sup>.

(b) All positions of the ~~county~~ <sup>district</sup> having functions related to parks and recreation, and the incumbent employees occupying those positions, become positions and employees of the ~~district~~ <sup>county</sup>. Employees so transferred have all the rights under subch. IV of ch. 111 and s. [county civil service law] that they enjoyed as employees of the ~~county~~ <sup>district</sup>. No employee so transferred who has attained permanent status in class is required to serve a probationary period.

(c) All tangible personal property of the ~~county~~ <sup>district</sup> with respect to park and recreational functions is transferred to the ~~district~~ <sup>county</sup>.

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

(e) Any matter pending with the ~~county~~ <sup>district</sup> with respect to park and recreational functions is transferred to the ~~district~~ <sup>county</sup> and all materials submitted to or actions taken by the ~~county~~ <sup>district</sup> with respect to park and recreational functions are considered as having been submitted to or taken by the ~~district~~ <sup>county</sup>.

~~(#) If a district is dissolved, on the date that the dissolution becomes effective:~~



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Arbitration.

(B) In the event that a question arises concerning the application of ~~sub. (1)~~ or ~~sub. (2)~~ to any situation, the question shall be resolved by the county board of supervisors, subject to any applicable law.

sub. (1)

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## LEGISLATIVE REFERENCE BUREAU

INS 47

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

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

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

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

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

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

~~(#) If a district is dissolved, on the date that the dissolution becomes effective:~~

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1 SECTION 1. 20.370 (5) (cr) of the statutes is amended to read:  
2 20.370 (5) (cr) *Recreation aids — county snowmobile trail and area aids.* As  
3 a continuing appropriation, the amounts in the schedule from the snowmobile  
4 account in the conservation fund to provide state aid to counties and county park  
5 districts for snowmobile trails and areas consistent with the requirements of ss.  
6 23.09 (26) and 350.12 (4) (b).

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33.

7 SECTION 2. 20.370 (5) (ct) of the statutes is amended to read:  
8 20.370 (5) (ct) *Recreation aids — all-terrain vehicle project aids; gas tax*  
9 *payment.* As a continuing appropriation, an amount equal to the estimated  
10 all-terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties,  
11 county park districts, and federal agencies for nonstate all-terrain vehicle projects.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33.

12 SECTION 3. 20.370 (5) (cu) of the statutes is amended to read:  
13 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a  
14 continuing appropriation, the amounts in the schedule from moneys received from  
15 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages,  
16 cities, counties, county park districts, and federal agencies for nonstate all-terrain  
17 vehicle projects.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33.



1           **SECTION 4.** 20.370 (5) (cv) of the statutes is amended to read:

2           20.370 (5) (cv) *Recreation aids — motorcycle recreation aids; trails.* The  
3 amounts in the schedule to provide aid to towns, villages, cities and, counties and  
4 county park districts for the acquisition, development, operation and maintenance  
5 of off-the-road Type 1 motorcycle trails and facilities under s. 23.09 (25) (a) and to  
6 the department for the development and maintenance of existing off-the-road Type  
7 1 motorcycle trails at the Black River state forest and the Bong State Recreation Area  
8 under s. 23.09 (25) (a).

**History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33.

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

10           23.09 (19) (a) 2. "Governmental unit" means a city, a village, a town, a county  
11 for which a county park district has not been created, a county park district, a lake  
12 sanitary district, as defined in s. 30.50 (4q), a public inland lake protection and  
13 rehabilitation district, or the Kickapoo reserve management board.

**History:** 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313; 1999 a. 9, 32, 83; 2001 a. 38, 56, 104, 109; 2003 a. 33, 89.

14           **SECTION 6.** 23.09 (20) (ab) 2. of the statutes is amended to read:

15           23.09 (20) (ab) 2. "Municipality" means a city, a village, a town ~~or~~ a county for  
16 which a county park district has not been created, or a county park district.

**History:** 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313; 1999 a. 9, 32, 83; 2001 a. 38, 56, 104, 109; 2003 a. 33, 89.

17           **SECTION 7.** 23.09 (20m) (a) 1. of the statutes is amended to read:

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1 23.09 (20m) (a) 1. "Governmental unit" means a city, a village, a town, a county (cont.)  
2 for which a park district has not been created, a county park district, or the Kickapoo  
3 reserve management board.

History: 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313; 1999 a. 9, 32, 83; 2001 a. 38, 56, 104, 109; 2003 a. 33, 89.

4 **SECTION 8.** 23.09 (26) (ag) of the statutes is created to read:

5 23.09 (26) (ag) If a county creates a county park district under  
6 <sup>S. 27.16</sup> ~~XXXX~~, only the county park district may receive aid and exercise the duties and  
7 powers granted to counties under this subsection.

8 **SECTION 9.** 23.09 (26) (am) (intro.) of the statutes is amended to read:

9 23.09 (26) (am) (intro.) ~~Counties~~ Subject to par. (ag), counties and county park  
10 districts may receive aids under this subsection distributed in accordance with s.  
11 350.12 (4) to:

History: 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313; 1999 a. 9, 32, 83; 2001 a. 38, 56, 104, 109; 2003 a. 33, 89.

12 **SECTION 10.** 23.09 (26) (am) 1. of the statutes is amended to read:

13 23.09 (26) (am) 1. Purchase lands or secure easements, leases, permits or other  
14 appropriate agreements, written or oral, permitting use of private property for  
15 snowmobile trails, facilities and areas, if such easements, leases, permits or other  
16 agreements provide public access to the trail, facility or area. No lands purchased  
17 or leases, easements, permits or agreements secured under authority of this section  
18 may be acquired by the county or a county park district through condemnation.  
19 Counties A county or a county park district shall certify to the department that such  
20 lands, easements, leases, permits or other appropriate agreements have been  
21 secured. However, when bridges, culverts, toilet facilities, parking lots or shelters  
22 are to be constructed under this section and the improvements are estimated to cost

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1 in excess of \$3,000, the land underlying such improvements must be purchased by  
2 the county or county park district or secured by the county or county park district by  
3 written easements or leases having a term of not less than 3 years.

**History:** 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313; 1999 a. 9, 32, 83; 2001 a. 38, 56, 104, 109; 2003 a. 33, 89.

4 **SECTION 11. 23.09 (26) (am) 3.** of the statutes is amended to read:

5 23.09 (26) (am) 3. Develop and maintain snowmobile trails, facilities and areas  
6 on public lands designated by the county board or by or by the county park district  
7 or and develop and maintain snowmobile trails, facilities or areas under subd. 1. or  
8 2.

**History:** 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313; 1999 a. 9, 32, 83; 2001 a. 38, 56, 104, 109; 2003 a. 33, 89.

9 **SECTION 12. 23.09 (26) (b)** of the statutes is amended to read:

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

**History:** 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313; 1999 a. 9, 32, 83; 2001 a. 38, 56, 104, 109; 2003 a. 33, 89.

16 **SECTION 13. 23.09 (26) (d)** of the statutes is amended to read:

17 23.09 (26) (d) Distribution of snowmobile trail development funds shall be  
18 limited to trails which provide a primary access route through one county and  
19 connect with another county's trails, provide access from population centers to main  
20 access trails or support a high volume of use. ~~Counties~~ A county or a county park

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(cont.)

1 district applying for aid for snowmobile trail development shall identify the type of  
2 trail for which aid is being sought on the forms under par. (b).

History: 1971 c. 40 s. 93; 1971 c. 125 s. 522 (1); 1971 c. 215, 277, 326; 1973 c. 251, 298, 333; 1975 c. 39 ss. 249, 249a, 250m, 734; 1975 c. 91, 200, 224, 365; 1977 c. 29, 402, 406; 1979 c. 34 ss. 699m to 701g, 2102 (39) (a); 1979 c. 89; 1981 c. 20 ss. 598 to 599s, 2202 (38) (c); 1981 c. 295; 1981 c. 390 s. 252; 1983 a. 27, 243; 1985 a. 29, 65, 322; 1985 a. 332 ss. 34, 251 (1); 1987 a. 27, 98, 295, 403; 1989 a. 31, 336, 359; 1991 a. 39, 269, 309; 1993 a. 16, 343, 436, 490; 1995 a. 27, 218, 257, 349, 417; 1997 a. 27, 35, 248, 313; 1999 a. 9, 32, 83; 2001 a. 38, 56, 104, 109; 2003 a. 33, 89.

3 **SECTION 14.** 23.175 (1) (a) of the statutes is amended to read:

4 23.175 (1) (a) "Political subdivision" means a city, a village, a town or county  
5 for which a county park district has not been created, or a county park district.

History: 1989 a. 31; 1991 a. 39; 1993 a. 72; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16, 90.

6 **SECTION 15.** 23.305 (2) of the statutes is amended to read:

7 23.305 (2) Notwithstanding ss. 23.30 and 28.04, the department may lease  
8 state park land or state forest land to ~~towns, villages or counties~~ a town, a village,  
9 a county for which no county park district has been created, or a county park district  
10 for outdoor recreational purposes associated with spectator sports.

History: 1985 a. 29.

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

12 23.33 (8) (c) *Trails.* A town, a village, a city, a county for which no county park  
13 district has been created, or county park district or the department may designate  
14 corridors through land which it owns or controls, or for which it obtains leases,  
15 easements or permission, for use as all-terrain vehicle trails.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97; s. 13.9. (2) (c).

16 **SECTION 17.** 23.33 (9) (bn) of the statutes is created to read:

17 23.33 (9) (bn) *Counties with park districts.* If a county creates a county park  
18 district under <sup>S.</sup> ~~27.161~~ ~~XXXX~~, only the county park district may receive aid  
19 for a nonstate all-terrain vehicle project as provided in pars. (b) and (c).

20 **SECTION 18.** 23.33 (9) (c) of the statutes is amended to read:

21 23.33 (9) (c) *Signs.* In addition to the projects listed in par. (b), the department  
22 may provide aid under this subsection to a town, village, city ~~or~~ county, or county

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1 park district for up to 100% of the cost of placing signs developed under sub. (4z) (a)  
2 2.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97; s. 13.9. (2) (c).

3 **SECTION 19.** 23.33 (11) (a) of the statutes is amended to read:

4 23.33 (11) (a) ~~Counties, towns, cities and villages~~ A city, town, or village may  
5 enact ordinances regulating all-terrain vehicles on all-terrain vehicle trails  
6 maintained by ~~or the city, town, or village and~~ on all-terrain vehicle routes  
7 designated by the ~~county, city, town, or village.~~ A county may enact ordinances  
8 regulating all-terrain vehicles on all-terrain vehicle trails maintained by the  
9 county, or by the county park district if such a park district has been created for the  
10 county, and on all-terrain vehicle routes designated by the county or by such a park  
11 district.

end)

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97; s. 13.9. (2) (c).

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

13 30.277 (1b) (a) "Governmental unit" means a city, a village, a town, a county  
14 for which a county park district has not been created, a county park district, or the  
15 Kickapoo reserve management board.

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History: 1991 a. 269; 1993 a. 16, 343; 1997 a. 27; 1999 a. 9; 2001 a. 38, 105; 2003 a. 33.

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

17 350.01 (11m) "Sanctioned race or derby" means a competitive snowmobile  
18 event sponsored by a county, county park district, town, city or village, by a promoter,  
19 by a chamber of commerce, or by a snowmobile club or other similar organization.

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History: 1971 c. 219, 277; 1973 c. 298; 1981 c. 79 s. 18; 1981 c. 295; 1983 a. 27 s. 2202 (38); 1983 a. 189, 459; 1985 a. 146 s. 8; 1985 a. 331, 332; 1987 a. 399; 1989 a. 51, 359; 1991 a. 39; 1995 a. 61, 436, 448; 1997 a. 34, 35, 248, 267; 1999 a. 9; 2001 a. 16, 56; 2003 a. 97.

20 **SECTION 22.** 350.04 (3) (a) of the statutes is amended to read:

21 350.04 (3) (a) No county, county park district, town, city or village shall be liable  
22 for any injury suffered in connection with a race or derby under this section, unless

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(cont.)

1 the injury is caused by the negligence of the county, county park district, town, city  
2 or village.

History: 1971 c. 277; 1977 c. 29 s. 1654 (3); 1981 c. 295.

3 **SECTION 23.** 350.04 (3) (b) of the statutes is amended to read:

4 350.04 (3) (b) The county, county park district, town, city or village shall post  
5 the provisions of par. (a) in a conspicuous place, readily accessible to all contestants  
6 and spectators, and shall assist in locating and identifying persons responsible for  
7 injuries that may occur.

History: 1971 c. 277; 1977 c. 29 s. 1654 (3); 1981 c. 295.

8 **SECTION 24.** 350.12 (4) (ar) of the statutes is created to read:

9 350.12 (4) (ar) *Counties with park districts.* If a county creates a county park  
10 district under S. 27.161 ~~XXXX~~, only the county park district may receive moneys  
11 as provided in pars. (b) to (br).

12 **SECTION 25.** 350.12 (4) (b) 1. of the statutes is amended to read:

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



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1 trails, or any combination thereof. Trail routes, sizes and specifications shall be (cont.)  
2 prescribed only by the board.

History: 1971 c. 211, 277; 1973 c. 298; 1975 c. 39 ss. 693g to 693m, 734; 1975 c. 224; 1977 c. 29, 402; 1979 c. 32; 1979 c. 34 ss. 1072, 2102 (39) (a); 1979 c. 221; 1981 c. 20, 294, 295; 1983 a. 27 ss. 1709, 1710, 2202 (38); 1983 a. 36, 405; 1985 a. 29 s. 3202 (39); 1985 a. 68, 322; 1985 a. 332 ss. 211, 253; 1987 a. 27, 129, 399; 1989 a. 31, 270, 336; 1991 a. 39, 269, 316; 1993 a. 16, 405, 436; 1995 a. 27, 225; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16.

3 **SECTION 26.** 350.12 (4) (b) 3. of the statutes is amended to read:

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

History: 1971 c. 211, 277; 1973 c. 298; 1975 c. 39 ss. 693g to 693m, 734; 1975 c. 224; 1977 c. 29, 402; 1979 c. 32; 1979 c. 34 ss. 1072, 2102 (39) (a); 1979 c. 221; 1981 c. 20, 294, 295; 1983 a. 27 ss. 1709, 1710, 2202 (38); 1983 a. 36, 405; 1985 a. 29 s. 3202 (39); 1985 a. 68, 322; 1985 a. 332 ss. 211, 253; 1987 a. 27, 129, 399; 1989 a. 31, 270, 336; 1991 a. 39, 269, 316; 1993 a. 16, 405, 436; 1995 a. 27, 225; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16.

14 **SECTION 27.** 350.12 (4) (bg) 1. of the statutes is amended to read:

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

History: 1971 c. 211, 277; 1973 c. 298; 1975 c. 39 ss. 693g to 693m, 734; 1975 c. 224; 1977 c. 29, 402; 1979 c. 32; 1979 c. 34 ss. 1072, 2102 (39) (a); 1979 c. 221; 1981 c. 20, 294, 295; 1983 a. 27 ss. 1709, 1710, 2202 (38); 1983 a. 36, 405; 1985 a. 29 s. 3202 (39); 1985 a. 68, 322; 1985 a. 332 ss. 211, 253; 1987 a. 27, 129, 399; 1989 a. 31, 270, 336; 1991 a. 39, 269, 316; 1993 a. 16, 405, 436; 1995 a. 27, 225; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16.

22 **SECTION 28.** 350.12 (4) (bg) 2. of the statutes is amended to read:

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(cont)

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

11           **SECTION 29.** 350.12 (4) (bm) (intro.) of the statutes is amended to read:

12           350.12 (4) (bm) *Supplemental trail aid payments; eligibility.* (intro.) A county,  
 13 a county park district, or the department shall be eligible for payments under par.  
 14 (bg) if it applies for the aid and if all of the following apply:

History: 1971 c. 211, 277; 1973 c. 298; 1975 c. 39 ss. 693g to 693m, 734; 1975 c. 224; 1977 c. 29, 402; 1979 c. 32; 1979 c. 34 ss. 1072, 2102 (39) (a); 1979 c. 221; 1981 c. 20, 294, 295; 1983 a. 27 ss. 1709, 1710, 2202 (38); 1983 a. 36, 405; 1985 a. 29 s. 3202 (39); 1985 a. 68, 322; 1985 a. 332 ss. 211, 253; 1987 a. 27, 129, 399; 1989 a. 31, 270, 336; 1991 a. 39, 269, 316; 1993 a. 16, 405, 436; 1995 a. 27, 225; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16.

15           **SECTION 30.** 350.12 (4) (bm) 1. of the statutes is amended to read:

16           350.12 (4) (bm) 1. The actual cost incurred by the department ~~or~~, the county, or  
 17 the county park district in maintaining its trails that are qualified under par. (b) 1.  
 18 or 4. in the previous fiscal year exceeds the maximum of \$250 per mile per year under  
 19 par. (b) 1.

History: 1971 c. 211, 277; 1973 c. 298; 1975 c. 39 ss. 693g to 693m, 734; 1975 c. 224; 1977 c. 29, 402; 1979 c. 32; 1979 c. 34 ss. 1072, 2102 (39) (a); 1979 c. 221; 1981 c. 20, 294, 295; 1983 a. 27 ss. 1709, 1710, 2202 (38); 1983 a. 36, 405; 1985 a. 29 s. 3202 (39); 1985 a. 68, 322; 1985 a. 332 ss. 211, 253; 1987 a. 27, 129, 399; 1989 a. 31, 270, 336; 1991 a. 39, 269, 316; 1993 a. 16, 405, 436; 1995 a. 27, 225; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16.

20           **SECTION 31.** 350.12 (4) (bm) 2. of the statutes is amended to read:

21           350.12 (4) (bm) 2. Of the actual cost incurred by the department ~~or~~, the county,  
 22 or the county park district in maintaining its trails that are qualified under par. (b)

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(cont.)

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.

History: 1971 c. 211, 277; 1973 c. 298; 1975 c. 39 ss. 693g to 693m, 734; 1975 c. 224; 1977 c. 29, 402; 1979 c. 32; 1979 c. 34 ss. 1072, 2102 (39) (a); 1979 c. 221; 1981 c. 20, 294, 295; 1983 a. 27 ss. 1709, 1710, 2202 (38); 1983 a. 36, 405; 1985 a. 29 s. 3202 (39); 1985 a. 68, 322; 1985 a. 332 ss. 211, 253; 1987 a. 27, 129, 399; 1989 a. 31, 270, 336; 1991 a. 39, 269, 316; 1993 a. 16, 405, 436; 1995 a. 27, 225; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16.

3 **SECTION 32.** 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.

History: 1971 c. 211, 277; 1973 c. 298; 1975 c. 39 ss. 693g to 693m, 734; 1975 c. 224; 1977 c. 29, 402; 1979 c. 32; 1979 c. 34 ss. 1072, 2102 (39) (a); 1979 c. 221; 1981 c. 20, 294, 295; 1983 a. 27 ss. 1709, 1710, 2202 (38); 1983 a. 36, 405; 1985 a. 29 s. 3202 (39); 1985 a. 68, 322; 1985 a. 332 ss. 211, 253; 1987 a. 27, 129, 399; 1989 a. 31, 270, 336; 1991 a. 39, 269, 316; 1993 a. 16, 405, 436; 1995 a. 27, 225; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16.

History: 1971 c. 211, 277; 1973 c. 298; 1975 c. 39 ss. 693g to 693m, 734; 1975 c. 224; 1977 c. 29, 402; 1979 c. 32; 1979 c. 34 ss. 1072, 2102 (39) (a); 1979 c. 221; 1981 c. 20, 294, 295; 1983 a. 27 ss. 1709, 1710, 2202 (38); 1983 a. 36, 405; 1985 a. 29 s. 3202 (39); 1985 a. 68, 322; 1985 a. 332 ss. 211, 253; 1987 a. 27, 129, 399; 1989 a. 31, 270, 336; 1991 a. 39, 269, 316; 1993 a. 16, 405, 436; 1995 a. 27, 225; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16.

10 **SECTION 33.** 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.

History: 1993 a. 120; 2001 a. 14.

14 **SECTION 34.** 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.

History: 1993 a. 120; 2001 a. 14.

18 **SECTION 35.** 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

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(cont.)

- 1 the county, or by the county park district if such a park district has been created by
- 2 the county, and on snowmobile routes designated by the county or by such a park
- 3 district.

History: 1971 c. 277; 1991 a. 39, 269; 1993 a. 436; 1995 a. 61.

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

LRB-4456/P1dnMG  
MGG:....

There are some other local funding programs administered by DNR, besides those already in the bill, under which you may want a county park district, as opposed to the county in general, to be the entity applying for and receiving the funds. See s. 23.09 (11) and (12) and 23.097. Please let me know if you want any changes.

) 23.094,

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

*Do you want P. 27.065 amended so that its provisions may be used by a district?*

*MGL*

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

LRB-4456/1dn  
MGG&MES:abc:vw

March 11, 2004

There are some other local funding programs administered by DNR, besides those already in the bill, under which you may want a county park district, as opposed to the county in general, to be the entity applying for and receiving the funds. See s. 23.09 (11) and (12), 23.094, and 23.097. Please let me know if you want any changes.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

Do you want s. 27.065 amended so that its provisions may be used by a district?

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us

**Northrop, Lori**

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**From:** Tormey, Jessica  
**Sent:** Thursday, March 11, 2004 3:58 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-4456/1 Topic: Authorize creation of special purpose district for county parks

It has been requested by <Tormey, Jessica> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-4456/1 Topic: Authorize creation of special purpose district for county parks