

2007 DNOTE
2005 - 2006 LEGISLATURE

WEDNESDAY

-0220/p1
LRB-2863/4
MES/JK/JTK/MG:jk:ch

2007
2005 BILL

keep
IK
RMR

SOON

(regenerate)

✓

1 AN ACT ~~to repeal~~ 23.09 (26) (am) 4.; ~~to renumber~~ 23.305 (1) (a) to (i) and 66.0617

2 (2) (am); ~~to renumber and amend~~ 23.09 (26) (a); ~~to amend~~ 5.02 (21), 5.15 (1)

3 (c), 5.58 (3), 5.68 (2), 5.68 (3), 7.51 (3) (b), 7.51 (3) (d), 7.51 (4) (b), 7.51 (5), 9.10

4 (1) (a), 9.10 (1) (b), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (a), 9.10 (4) (d), 9.10 (7), 10.05,

5 10.07 (1), 11.31 (1) (h) (intro.), 17.13 (intro.), 17.13 (3), 20.370 (5) (cr), 20.370 (5)

6 (ct), 20.370 (5) (ct), 20.370 (5) (cu), 23.09 (19) (a) 2., 23.09 (20) (ab) 2., 23.09 (20m)

7 (a) 1., 23.09 (26) (title), 23.09 (26) (am) (intro.), 23.09 (26) (am) 1., 23.09 (26) (am)

8 3., 23.09 (26) (b), 23.09 (26) (d), 23.175 (1) (a), 23.305 (1) (intro.), 23.305 (2),

9 23.33 (8) (c), 23.33 (9) (c), 23.33 (11) (a), 25.50 (1) (d), 27.01 (3), 27.02 (1), 27.03

10 (2), 27.05 (intro.), 27.06, 27.075 (1), 27.075 (2), 27.075 (3), 27.075 (4), 27.08 (1),

11 27.08 (3), 30.277 (1b) (a), 66.0301 (1) (a), 66.0617 (1) (a), 66.0617 (1) (c), 66.0617

12 (1) (d), 66.0617 (1) (g), 66.0617 (1) (h), 66.0617 (2) (a), 66.0617 (3), 66.0617 (4)

13 (a) (intro.), 66.0617 (4) (b), 66.0617 (5), 66.0617 (6) (intro.), 66.0617 (6) (b),

14 66.0617 (7), 66.0617 (8), 66.0617 (9), 66.0617 (10), 67.01 (5), 71.26 (1) (bm),

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1 350.01 (11m), 350.04 (3) (a), 350.04 (3) (b), 350.12 (4) (b) 1., 350.12 (4) (b) 3.,
 2 350.12 (4) (bg) 1., 350.12 (4) (bg) 2., 350.12 (4) (bm) (intro.), 350.12 (4) (bm) 1.,
 3 350.12 (4) (bm) 2., 350.12 (4) (br), 350.138 (1) (d), 350.138 (1) (f) and 350.18 (1);
 4 and **to create** 5.15 (2) (f) 5., 5.58 (1u), 5.60 (6u), 7.53 (3m), 8.10 (6) (e), 8.11 (2f),
 5 11.02 (8), 17.01 (11m), 17.27 (1f), 23.09 (26) (ac), 23.09 (26) (am) 3m., 23.09 (26)
 6 (ar), 23.09 (26) (bg), 23.09 (26) (h), 23.305 (1) (am), 23.33 (1) (im), 27.16, 27.161,
 7 66.0617 (1) (am), 66.0617 (2) (am) 2., 66.0617 (6) (h), 70.11 (37m), 77.25 (18m),
 8 77.54 (9a) (i), 350.01 (2m) and 350.01 (9j) of the statutes; **relating to:**

9 authorizing the creation of local park districts, authorizing a local park district
 10 to levy a property tax, authorizing a local park district to apply for funding from
 11 certain programs administered by the Department of Natural Resources, and
 12 authorizing a local park district to impose impact fees and issue debt.

Under both methods, an election of the
 X districts commissioners must take
 place

None or more
 1 county or any
 combination
 of

Analysis by the Legislative Reference Bureau

CREATION AND DISSOLUTION OF A DISTRICT

This bill authorizes ^{one or more} ~~certain combinations of~~ municipalities (cities, villages, or towns), ~~or~~ political subdivisions (municipalities or counties) to create a local park district (district). A district is a local unit of government that is a body corporate and politic and that is separate and distinct from, and independent of, the state and the sponsoring political subdivisions which created it and that are within its jurisdiction.

Subject to a number of conditions, a district may be created by one of two methods. Under the first method, the governing bodies of one or more ^{political subdivisions} ~~counties~~, a combination of at least one county and one municipality, or a combination of two or more municipalities may adopt an enabling resolution that declares the need for establishing the district and contains a detailed description of the boundaries of the proposed district. The participating counties or municipalities need not be contiguous. Each political subdivision 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 one or more ^{political subdivisions} ~~counties~~, a combination of at least one county and one municipality, or a combination of two or more municipalities may be created by a petition and referendum. The petition ^{may} ~~must~~ be circulated on or after December 1 and ~~must~~ be filed no later than 5 p.m. on the first Tuesday in ^{January} ~~January~~ in each municipality within the proposed boundaries of the

political subdivision
 (county or

February = the petition must be filed in every

January 6 of any year

whose park facilities are proposed to be included in Third

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select an arbitrator who will decide certain issues that the relevant political subdivisions are unable to resolve

political subdivision whose park facilities are

which is always on a January 1 following the initially selected commissioners taking office

district. If it is signed by at least 100 qualified electors residing in each county or municipality that is proposed to be included within the district, a referendum is held at the next succeeding spring election. A district is then created with a jurisdiction that consists of each of the political subdivisions in which the referendum question is approved, except that no district may be created unless the referendum question is approved in at least one county, a combination of at least one county and one municipality, or a combination of two or more municipalities.

Before a district may be created, the governing bodies of each of the involved political subdivisions must reach an agreement that includes a number of components, including a method to provide a loan for initial operating funds for the district, a method of appointing temporary commissioners, a districting plan for the election of commissioners (see below), and a method to transfer title of the municipal or county park facilities to the district. On the date that a district is created, all assets and liabilities of the political subdivisions with respect to park and recreational functions become assets and liabilities of the district, all tangible personal property of the political subdivisions related to park and recreational functions is transferred to the district, and all incumbent employees of the political subdivisions having functions related to parks and recreation become employees of the district.

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

A district is governed by a commission consisting of nine members that are elected on a nonpartisan ballot at the spring election. Two of the commissioners are elected at large and seven of the commissioners are elected from election districts within the district, the boundaries of which are initially prescribed by the participating political subdivisions in the organizing agreement. Each commissioner must, at the time of taking office, reside within the park district and within the election district, if any, from which he or she is elected or for which he or she is appointed to fill a vacancy. The terms of commissioners are three years, although the initial terms are staggered such that each one-third of the seats on the board are for terms of approximately one, two, and three years.

Under the bill, the territory of a political subdivision may be in only one district. If a city or village whose territory is in one district annexes territory that contains park facilities that are located in a different district, that district is required to transfer ownership of the park facilities that are located in the annexed territory to the district whose territory includes the annexing city or village. The bill requires the districts to negotiate a settlement to compensate the district from which the territory was annexed for the park facilities that were transferred. If the districts are unable to negotiate a settlement within 60 days after the annexation, the

In districts having a population of 50,000 or more, there must be three commissioners who must be elected from election districts. In other districts, the enabling resolution or petition must specify the number of commissioners and whether the commissioners are to be elected from election districts, at large, or by a combination of methods.

the terms of approximately

commission expire in each year

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election districts

vacancies are filled by appointment of the remaining member of the commission

State Elections Board and there's after of decennially by the commission

of equal population insofar as practicable

in a referendum called for that purpose

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x With the commission's approval the

Any x

districts must agree on the selection of an arbitrator who will decide the settlement amount within 30 days after his or her appointment.

x must ~~The~~ initial jurisdiction of a district may be expanded to include any other political subdivision under procedures adopted by the commission. ~~The~~ procedures for expansion ~~may~~ allow the governing body of a political subdivision to request inclusion in the district by resolution or at the request of electors through a petition and referendum procedure.

The bill also provides two methods for a political subdivision to withdraw from the district. Under the first method, if the governing body of a political subdivision adopts a resolution declaring its intention to withdraw from the district and the ~~commission approves~~ the resolution, the political subdivision may withdraw from the district. Under the second method, ~~if a political subdivision adopts a resolution to withdraw from the district and if the commission rejects the resolution,~~ the commission must call a referendum in the political subdivision for the electors of the ~~political subdivision~~ to vote on whether to approve or reject the resolution. If the question submitted at the referendum is approved, the political subdivision must withdraw from the district. Under either method, however, the political subdivision and the district must negotiate a settlement to compensate the district for the park facilities that are located in the political subdivision. If the district and the political subdivision are unable to negotiate a settlement within 60 days after the political subdivision's resolution is either approved by the commission or approved in a referendum, the district and the political subdivision must agree on the selection of an arbitrator who must decide the settlement amount within 30 days after his or her appointment. ✓

then

*and
electors of the political subdivision approve the question x*

A district may dissolve by action of the commission, subject to payment of the district's debts and fulfillment of its other contractual obligations. If after withdrawal of a political subdivision, the territory that remains in the district does not consist of at least one ~~county, one county and the municipality,~~ or two ~~municipalities,~~ the district must dissolve. If a district is dissolved, its assets, liabilities, employees, pending matters, and property must be apportioned to, and become the responsibility of, the sponsoring political subdivisions and any other political subdivisions that joined the district. The commission is empowered to apportion these items among the responsible political subdivisions. If a question arises as to the the commission's actions during dissolution, the question must be resolved by an arbitrator who is selected under the previously agreed to procedure.

political subdivision

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

TAXATION

x property tax

When a district is created, the ~~portion of the county or municipal~~ ^{initial property tax} levy ~~attributable~~ to expenditures for park and recreational purposes ~~is transferred to the district.~~ Any increase in the ^{such a} levy is subject to approval by the electors of a district at a referendum. The district must hold the referendum at the first spring primary, spring election, September primary, general election, or special election held

x of the district must be imposed by the commission

in an amount that equals the total operating levy of all participating political subdivisions that is attributable

x in the year in which the district is authorized or in the prior year - whichever is greater

x the electors of a political subdivision shall petition the commission to submit the question of withdrawal of the political subdivision from a district x

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throughout the district that is held at least 45 days after the date on which the commission adopts a resolution to increase the levy. The district may use the tax revenue only for park and recreational purposes.

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

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

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

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

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

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

5.02 (21) "Spring election" means the election held on the first Tuesday in April to elect judicial, educational and municipal officers, nonpartisan county officers and, sewerage commissioners, and local park district commissioners.

SECTION 2. 5.15 (1) (c) of the statutes is amended to read:

5.15 (1) (c) The wards established by municipal governing bodies under this section on the basis of the published results of each federal decennial census of population shall govern the adjustment of supervisory districts under s. 59.10 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local elections beginning on January 1 of the 2nd year commencing after the year of the census until revised under this section on the basis of the results of the next decennial census of population unless adjusted under sub. (2) (f) 4. or 5., (6) (a), or (7), or unless adjusted, as a matter of statewide concern, in the enactment of

BILL**SECTION 2**

1 legislative districts under article IV, section 3, of the constitution on the basis of the
2 most recent decennial census of population.

3 **SECTION 3.** 5.15 (2) (f) 5. of the statutes is created to read:

4 5.15 (2) (f) 5. That part of a local park district required to create an election
5 district under s. 27.161 (7) (b) 1. that has a population which is, as nearly as
6 practicable, equal to other election districts in the local park district.

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

8 5.58 (1u) LOCAL PARK DISTRICT COMMISSIONERS. Except as authorized in s. 5.655,
9 there shall be a separate ballot for the election of commissioners of any local park
10 district. Arrangement of the names on the ballot shall be determined by the local
11 park district clerk in the manner provided under s. 5.60 (1) (b). The ballot shall be
12 entitled "Official Primary Ballot for Commissioner of the Park District." *The ballot*

13 *shall also specify "At Large" or "Election District" as required.*
14 **SECTION 5.** 5.58 (3) of the statutes is amended to read:

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

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1 candidates for each numbered seat or within each district,; in a local park district,
 2 twice as many candidates as are to be elected commissioner within each of the
 3 election districts and from the district at large; and twice as many candidates as are
 4 to be elected members of other school boards or other elective officers receiving the
 5 highest number of votes at the primary shall be nominees for the office at the spring
 6 election. Only their names shall appear on the official spring ballot.

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

8 **5.60 (6u) LOCAL PARK DISTRICT COMMISSION.** Except as authorized in s. 5.655, a
 9 separate ballot shall list the names of all candidates for commissioner of any local
 10 park district. Arrangement of the names on the ballot shall be determined by the
 11 local park district clerk in the manner provided under sub. (1) (b). The ballot shall
 12 be entitled "Official Ballot for Commissioner of the Park District."

13 *Shall also specify "At large" or "Election District" as required.*

14 **SECTION 7.** 5.68 (2) of the statutes is amended to read:

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

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SECTION 8

1 SECTION 8. 5.68 (3) of the statutes is amended to read:

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

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

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

17 SECTION 10. 7.51 (3) (d) of the statutes is amended to read:

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

24 SECTION 11. 7.51 (4) (b) of the statutes is amended to read:

ballots are
canvassed
under
s. 7.52

BILL

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 local park district clerk
 5 for local park district elections. The clerk shall then make the returns public.

6 SECTION 12. 7.51 (5) of the statutes ^{SET} ~~is~~ amended to read:

7 7.51 (5) RETURNS. (a) The inspectors shall make full and accurate return of the
 8 votes cast for each candidate and proposition on tally sheet forms provided by the
 9 municipal clerk for that purpose. Each tally sheet shall record the returns for each
 10 office or referendum by ward, unless combined returns are authorized in accordance
 11 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group
 12 of combined wards. After recording the votes, the inspectors shall seal in a carrier

13 envelope outside the ballot bag or container one inspectors' statement under sub. (4)

14 (a) one tally sheet and one poll list for delivery to the county clerk, unless the
 15 election relates only to municipal or, school district, or local park district offices or

16 referenda. ^{§ 3.} The inspectors shall also similarly seal one inspectors' statement, one
 17 tally sheet and one poll list for delivery to the municipal clerk. For school district

18 elections, except in 1st class cities, the inspectors shall similarly seal one inspectors'
 19 statement, one tally sheet and one poll list for delivery to the school district clerk.

20 For local park district elections, the inspectors shall similarly seal one inspectors'
 21 statement, one tally sheet and one poll list for delivery to the local park district clerk.

22 ^{§ 4.} The inspectors shall immediately deliver all ballots, statements, tally sheets, lists,
 23 and envelopes to the municipal clerk.

24 (b) The municipal clerk shall arrange for delivery of all ballots, statements,
 25 tally sheets, lists, and envelopes relating to a school district or local park district

and 5.

(a) 20 and 30 and (b) care

NO 2.

separate carrier envelope one

Ans 9-23

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SECTION 12

by 4 p.m. on the day

1 election to the school district or local park district clerk, respectively. The municipal
2 clerk shall deliver the ballots, statements, tally sheets, lists, and envelopes for his
3 or her municipality relating to any county, technical college district, state, or
4 national election to the county clerk *no later than 4* by 2 p.m. on the day following each such election.

following each such election

5 The person delivering the returns shall be paid out of the municipal treasury. Each
6 clerk shall retain ballots, statements, tally sheets, or envelopes received by the clerk
7 until destruction is authorized under s. 7.23 (1).

origin municipalities

where absentee ballots are canvassed under s. 7.52, by 4 p.m. on the 2nd day following

8 **SECTION 13.** 7.53 (3m) of the statutes is created to read:

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

23 **SECTION 14.** 8.10 (6) (e) of the statutes is created to read:

Added: If the clerk's office is vacant or the clerk cannot perform his other duties, the chairperson of the local park district commission shall designate another qualified elector of the district to serve in lieu of the clerk.

23
10-23
24

each such election, and no later than 4p.m on the
day after receiving any corrected returns under
S. 6.221 (b) (b)

BILL

1 8.10 (6) (e) For members of the local park district commission, with the local
2 park district clerk.

3 **SECTION 15.** 8.11 (2f) of the statutes is created to read:

4 8.11 (2f) LOCAL PARK DISTRICT COMMISSION. A primary shall be held in a local
5 park district whenever there are more than twice the number of candidates to be
6 elected members of the local park district commission at large or from any election
7 district.

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

9 9.10 (1) (a) The qualified electors of the state,ⁱ of any county, city, village, or
10 town,ⁱ of any congressional, legislative, judicial, or school district,ⁱ of any local park
11 district or election district thereof; or of any prosecutorial unit may petition for the
12 recall of any incumbent elective official by filing a petition with the same official or
13 agency with whom nomination papers or declarations of candidacy for the office are
14 filed demanding the recall of the officeholder.

15 **SECTION 17.** 9.10 (1) (b) of the statutes is amended to read:

16 9.10 (1) (b) Except as provided in par. (c), a petition for recall of a [^]state,
17 congressional, legislative, judicial, or county officer shall be signed by electors equal
18 to at least 25% 25 percent of the vote cast for the office of governor at the last election
19 within the same district or territory as that of the officeholder being recalled. Except
20 as provided in par. (c), a petition for the recall of a city, village, town, local park
21 district, or school district officer shall be signed by electors equal to at least 25% 25
22 percent of the vote cast for the office of president at the last election within the same
23 district or territory as that of the officeholder being recalled.

24 **SECTION 18.** 9.10 (2) (d) of the statutes is amended to read:

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SECTION 18

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

17 **SECTION 19.** 9.10 (3) (a) of the statutes is amended to read:

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

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

22 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
23 local park district, or school district official, is offered for filing, the officer against
24 whom the petition is filed may file a written challenge with the ~~municipal clerk or~~
25 ~~board of election commissioners or school district clerk~~ official or agency with whom

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

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1 the local park district commission, the local park district clerk shall file the petition
2 in his or her office and shall transmit a copy of the petition to the governing body of
3 each city, village, and town that has territory within the jurisdiction of the local park
4 district.

5 **SECTION 21.** 9.10 (4) (d) of the statutes is amended to read:

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

12 **SECTION 22.** 9.10 (7) of the statutes is amended to read:

13 9.10 (7) PURPOSE. The purpose of this section is to facilitate the operation of
14 article XIII, section 12, of the constitution and to extend the same rights to electors
15 of cities, villages, towns, local park districts, and school districts.

16 **SECTION 23.** 10.05 of the statutes is amended to read:

17 **10.05 Posting of notice.** Unless specifically designated elsewhere, this
18 section applies to villages, towns ~~and~~, school districts, and local park districts.
19 Whenever a notice is required to be published, a village, town ~~or~~, school district, or
20 local park districts may post 3 notices in lieu of publication under ch. 985 whenever
21 there is not a newspaper published within the village, town ~~or~~, school district, or local
22 park districts or whenever the governing body of the village, town ~~or~~, school district,
23 or local park districts chooses to post in order to supplement notice provided in a
24 newspaper. Whenever the manner of giving notice is changed by the governing body,
25 the body shall give notice of the change in the manner used before the change.

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1 Whenever posting is used, the notices shall be posted no later than the day prescribed
2 by law for publication, or, if that day falls within the week preceding the election to
3 be noticed, at least one week before the election. All notices given for the same
4 election shall be given in the same manner.

5 **SECTION 24.** 10.07 (1) of the statutes is amended to read:

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

14 **SECTION 25.** 11.02 (8) of the statutes is created to read:

15 11.02 (8) If the jurisdiction under sub. (3) is a local park district, the
16 appropriate clerk is the local park district clerk.

17 **SECTION 26.** 11.31 (1) (h) (intro.) of the statutes is amended to read:

18 11.31 (1) (h) (intro.) Candidates for any local office, who are elected from a
19 jurisdiction ~~or~~ ⁱⁿ ~~district~~ ^{pre-election district} with less than 500,000 inhabitants according to the latest
20 federal census or census information on which the district is based, as certified by
21 the appropriate filing officer, ~~and candidates for the office of local park district~~
22 ~~commissioner~~, an amount equal to the greater of the following:

23 **SECTION 27.** 17.01 (11m) of the statutes is created to read:

24 17.01 (11m) By a commissioner of a local park district, to the local park district
25 commission. The local park district commission shall immediately give a copy of each

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1 resignation under this subsection to the elections board and to the chief executive
2 officer of each municipality that has territory within the jurisdiction of the district.

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

4 **17.13 Removal of village, town, town sanitary district, school district,**
5 **technical college and family care district, and local park district officers.**

6 (intro.) Officers of towns, town sanitary districts, villages, school districts, technical
7 college districts and, family care districts, and local park districts may be removed
8 as follows:

9 **SECTION 29.** 17.13 (3) of the statutes is amended to read:

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

15 **SECTION 30.** 17.27 (1f) of the statutes is created to read:

16 17.27 (1f) LOCAL PARK DISTRICT COMMISSION. Except as provided in s. 9.10, a
17 vacancy in the office of commissioner of a local park district may be filled for the
18 residue of the unexpired term by temporary appointment of the remaining members
19 of the local park district commission. If the vacancy occurs in any year after the first
20 Tuesday in April and on or before December 1, the vacancy shall be filled for the
21 residue of the unexpired term, if any, at ~~on the date of~~ the next spring election. If the
22 vacancy occurs in any year after December 1 or on or before the first Tuesday in April,
23 the vacancy shall be filled for the residue of the unexpired term, if any, at the 2nd
24 succeeding spring election.

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

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1 20.370 (5) (cr) *Recreation aids — county snowmobile trail and area aids.* As
2 a continuing appropriation, the amounts in the schedule from the snowmobile
3 account in the conservation fund to provide state aid to counties and local park
4 districts, as defined in s. 350.01 (2m), for snowmobile trails, facilities, and areas
5 consistent with the requirements of ss. 23.09 (26) and 350.12 (4) (b).

6 **SECTION 32.** 20.370 (5) (ct) of the statutes, as affected by 2005 Wisconsin Act
7 25 by section 247c, is amended to read:

8 20.370 (5) (ct) *Recreation aids — all-terrain vehicle project aids; gas tax*
9 *payment.* As a continuing appropriation, the sum of an amount equal to the
10 estimated all-terrain vehicle gas tax payment and an amount equal to the amount
11 lapsed to the conservation fund on July 1, 2005, from the appropriation account
12 under s. 20.370 (5) (cv), 2003 stats., to provide aid to towns, villages, cities, counties,
13 local park districts, as defined in s. 23.33 (1) (im), and federal agencies for nonstate
14 all-terrain vehicle projects.

15 **SECTION 33.** 20.370 (5) (ct) of the statutes, as affected by 2005 Wisconsin Act
16 25 by section 247g and 2005 Wisconsin Act (this act), is amended to read:

17 20.370 (5) (ct) *Recreation aids — all-terrain vehicle project aids; gas tax*
18 *payment.* As a continuing appropriation, an amount equal to the estimated
19 all-terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties,
20 local park districts, as defined in s. 23.33 (1) (im), and federal agencies for nonstate
21 all-terrain vehicle projects.

22 **SECTION 34.** 20.370 (5) (cu) of the statutes is amended to read:

23 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
24 continuing appropriation, the amounts in the schedule from moneys received from
25 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,

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1 villages, cities, counties, local park districts, as defined in s. 23.33 (1m), and federal
2 agencies for nonstate all-terrain vehicle projects.

3 **SECTION 35.** 23.09 (19) (a) 2. of the statutes is amended to read:

4 23.09 (19) (a) 2. "Governmental unit" means a city, a village, a town, a county,
5 a local park district created under s. 27.161, a lake sanitary district, as defined in s.
6 30.50 (4q), a public inland lake protection and rehabilitation district, or the Kickapoo
7 reserve management board.

8 **SECTION 36.** 23.09 (20) (ab) 2. of the statutes is amended to read:

9 23.09 (20) (ab) 2. "Municipality" means a city, a village, a town or a county, or
10 a local park district created under s. 27.161.

11 **SECTION 37.** 23.09 (20m) (a) 1. of the statutes is amended to read:

12 23.09 (20m) (a) 1. "Governmental unit" means a city, a village, a town, a county,
13 a local park district created under s. 27.161, or the Kickapoo reserve management
14 board.

15 **SECTION 38.** 23.09 (26) (title) of the statutes is amended to read:

16 23.09 (26) (title) ~~AIDS TO COUNTIES~~ COUNTY AID FOR SNOWMOBILE PURPOSES.

17 **SECTION 39.** 23.09 (26) (a) of the statutes is renumbered 23.09 (26) (g) and
18 amended to read:

19 23.09 (26) (g) ~~The procedures in sub. (11) (a), (d), (e) and (f) shall apply to this~~
20 ~~subsection except that the~~ The department shall consult with the snowmobile
21 recreational council before adopting snowmobile trail construction standards, ~~the~~
22 ~~restriction in sub. (11) (a) as to county lands is not applicable, the restriction in sub.~~
23 ~~(11) (d) as to encumbrance of funds is not applicable and the restriction in sub. (11)~~
24 ~~(e) as to requests for state aids exceeding available funds is not applicable.~~

25 **SECTION 40.** 23.09 (26) (ac) of the statutes is created to read:

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1 23.09 (26) (ac) In this subsection:

2 1. "Local park district" has the meaning given in s. 350.01 (2m).

3 2. "Facility" means a parking area, shelter, or toilet.

4 **SECTION 41.** 23.09 (26) (am) (intro.) of the statutes is amended to read:

5 23.09 (26) (am) (intro.) Counties and local park districts may receive aids under
6 this subsection distributed in accordance with s. 350.12 (4) to do any of the following:

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

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

22 **SECTION 43.** 23.09 (26) (am) 3. of the statutes is amended to read:

23 23.09 (26) (am) 3. Develop and maintain snowmobile trails, facilities, and areas
24 on public lands designated by the county ~~board or trails or areas under subd. 1. or~~
25 2 or by the local park district.