

BILL

SECTION 76

1 66.0617 (1) (a) "Capital costs" means the capital costs to construct, expand, or
 2 improve public facilities, including the cost of land, and including legal, engineering,
 3 and design costs to construct, expand, or improve public facilities, except that not
 4 more than ~~40%~~ 10 percent of capital costs may consist of legal, engineering, and
 5 design costs unless the ~~political subdivision~~ ^{municipality} or local park district can demonstrate
 6 that its legal, engineering, and design costs which relate directly to the public
 7 improvement for which the impact fees were imposed exceed ~~40%~~ 10 percent of
 8 capital costs. "Capital costs" does not include other noncapital costs to construct,
 9 expand, or improve public facilities ^{vehicles} or the costs of equipment to construct, expand,
 10 or improve public facilities.

SECTION 77. 66.0617 (1) (am) of the statutes is created to read:

66.0617 (1) (am) "Local park district" has the meaning given for district in s.
27.16 (4).

SECTION 78. 66.0617 (1) (c) of the statutes is amended to read:

66.0617 (1) (c) "Impact fees" means cash contributions, contributions of land
 or interests in land, or any other items of value that are imposed on a developer by
 a ~~political subdivision~~ ^{municipality} or a local park district under this section.

SECTION 79. 66.0617 (1) (d) of the statutes is amended to read:

66.0617 (1) (d) "Land development" means the construction or modification of
 improvements to real property that creates additional residential dwelling units
 within a ~~political subdivision~~ ^{municipality (Use 2x)} or local park district or that results in nonresidential
 uses that create a need for new, expanded, or improved public facilities within a
~~political subdivision~~ or local park district.

SECTION 80. 66.0617 (1) (g) of the statutes is amended to read:

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2005
Act 477

municipality (use 2x)

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

SECTION 81. 66.0617 (1) (h) of the statutes is amended to read:

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

2005
Act 477

SECTION 82. 66.0617 (2) (a) of the statutes is amended to read:

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

municipality

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SECTION 83. 66.0617 (2) (am) of the statutes is renumbered 66.0617 (2) (am)

SECTION 84. 66.0617 (2) (am) 2 of the statutes is created to read:

66.0617 (2) (am) 2. No local park district may impose an impact fee under this section for any purpose other than park facilities, as defined in s. 27.16 (7).

SECTION 85. 66.0617 (3) of the statutes is amended to read:

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

Act
477

SECTION 86. 66.0617 (4) (a) (intro.) of the statutes is amended to read:

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SECTION 86

1 66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution
 2 that imposes impact fees or amending an ordinance or resolution that imposes
 3 impact fees by revising the amount of the fee or altering the public facilities for which
 4 impact fees may be imposed, a ~~political subdivision~~ ^{municipalities} or a local park district shall
 5 prepare a needs assessment for the public facilities for which it is anticipated that
 6 impact fees may be imposed. The public facilities needs assessment shall include,
 7 but not be limited to, the following:

8 **SECTION 87.** 66.0617 (4) (b) of the statutes is amended to read:

9 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
 10 needs assessment that is prepared under this subsection shall be available for public
 11 inspection and copying in the office of the clerk of the ~~political subdivision~~ ^{municipality} or in the
 12 office of the secretary of the commission of the local park district at least 20 days
 13 before the hearing under sub. (3).

14 **SECTION 88.** 66.0617 (5) of the statutes is amended to read:

15 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or
 16 resolution adopted under this section may impose different impact fees on different
 17 types of land development.

18 (b) An ordinance enacted or resolution adopted under this section may
 19 delineate geographically defined zones within the ~~political subdivision~~ or local park
 20 district and may impose impact fees on land development in a zone that differ from
 21 impact fees imposed on land development in other zones within the ~~political~~
 22 ~~subdivision~~ ^{municipality (line 20)} or local park district. The public facilities needs assessment that is
 23 required under sub. (4) shall explicitly identify the differences, such as land
 24 development or the need for those public facilities, which justify the differences
 25 between zones in the amount of impact fees imposed.

2005
Act 477

Act
477

BILL

1 SECTION 89. 66.0617 (6) (intro.) of the statutes is amended to read:

2 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an
3 ordinance enacted or resolution adopted under this section:

4 SECTION 90. 66.0617 (6) (b) of the statutes is amended to read:

5 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that
6 are required to serve land development, as compared to existing uses of land within
7 the ~~political subdivision~~ ^{municipality} or local park district.

2005
Act
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8 SECTION 91. 66.0617 (6) (h) of the statutes is created to read:

9 66.0617 (6) (h) Shall be payable by the developer to the local park district either
10 in full or in installment payments that are approved by the local park district.

11 SECTION 92. 66.0617 (7) of the statutes is amended to read:

12 66.0617 (7) LOW-COST HOUSING. An ordinance enacted or resolution adopted
13 under this section may provide for an exemption from, or a reduction in the amount
14 of, impact fees on land development that provides low-cost housing, except that no
15 amount of an impact fee for which an exemption or reduction is provided under this
16 subsection may be shifted to any other development in the land development in
17 which the low-cost housing is located or to any other land development in the
18 ~~political subdivision~~ ^{municipality} or local park district.

Act
477

19 SECTION 93. 66.0617 (8) of the statutes is amended to read:

20 66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from ^{each} impact
21 fees ^{that is imposed} shall be placed in a ^{separate} segregated interest-bearing account and shall be accounted
22 for separately from the other funds of the ~~political subdivision~~ ^{municipality} or local park district.

23 Impact fee revenues and interest earned on impact fee revenues may be expended
24 only for ^{the particular} capital costs for which the impact fees ^{was} ~~were~~ imposed, ^{unless the fee is}

25 SECTION 94. 66.0617 (9) of the statutes is amended to read:

unless the fee is
refunded under sub.(9)

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SECTION 94

Subject to par. (b)

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66.0617 (9) ^(a) ~~REFUND OF IMPACT FEES~~ An ordinance enacted or resolution adopted under this section shall specify that impact fees that are imposed and collected by a ~~political subdivision~~ ^{municipality} or local park district but are not used within a ~~reasonable~~ ^{7 years} period of time after they are collected to pay the capital costs for which they were imposed shall be refunded to the current owner of the property with respect to which the impact fees were imposed. ^{along with any interest that has accumulated} The ordinance or resolution shall specify, by type of public facility, reasonable time periods within which impact fees must be spent or refunded under this subsection. ^{as described in sub. (b)} In determining the length of the time periods under the ordinance, a ~~political subdivision~~ ^{municipality} or local park district shall consider what are appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed.

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SECTION 95. 66.0617 (10) of the statutes is amended to read: ^{Use Act 477}

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

SECTION 96. 67.01 (5) of the statutes is amended to read:

67.01 (5) "Municipality" means any of the following which is authorized to levy a tax: a county, city, village, town, school district, board of park commissioners, technical college district, metropolitan sewerage district created under ss. 200.01 to 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, local park district created under s. 27.161, public inland lake protection and rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other public body

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1 empowered to borrow money and issue obligations to repay the money out of public
2 funds or revenues. “Municipality” does not include the state.

3 **SECTION 97.** 70.11 (37m) of the statutes is created to read:

4 70.11 **(37m)** LOCAL PARK AND RECREATION DISTRICT. The property of a local park
5 district under s. 27.161.

6 **SECTION 98.** 71.26 (1) (bm) of the statutes is amended to read:

7 71.26 **(1)** (bm) *Certain local districts.* Income of a local exposition district
8 created under subch. II of ch. 229, a local professional baseball park district created
9 under subch. III of ch. 229, a local professional football stadium district created
10 under subch. IV of ch. 229, or a local cultural arts district created under subch. V of
11 ch. 229, or a local park district created under s. 27.161.

12 **SECTION 99.** 77.25 (18m) of the statutes is created to read:

13 77.25 **(18m)** To a local park district under s. 27.161.

14 **SECTION 100.** 77.54 (9a) (i) of the statutes is created to read:

15 77.54 **(9a)** (i) A local park district under s. 27.161.

16 **SECTION 101.** 350.01 (2m) of the statutes is created to read:

17 350.01 **(2m)** “Local park district” means a local park district created under s.
18 27.161 by one or more counties but not with the participation of any city, village, or
19 town.

20 **SECTION 102.** 350.01 (9j) of the statutes is created to read:

21 350.01 **(9j)** “Local park district” means a local park district created under s.
22 27.161.

23 **SECTION 103.** 350.01 (11m) of the statutes is amended to read:

BILL**SECTION 103**

1 350.01 **(11m)** “Sanctioned race or derby” means a competitive snowmobile
2 event sponsored by a county, local park district, town, city, or village, by a promoter,
3 by a chamber of commerce, or by a snowmobile club or other similar organization.

4 **SECTION 104.** 350.04 (3) (a) of the statutes is amended to read:

5 350.04 **(3)** (a) No county, town, city or, village, or local park district shall be
6 liable for any injury suffered in connection with a race or derby under this section,
7 unless the injury is caused by the negligence of the county, town, city or, village, or
8 local park district.

9 **SECTION 105.** 350.04 (3) (b) of the statutes is amended to read:

10 350.04 **(3)** (b) The county, town, city or, village, or local park district shall post
11 the provisions of par. (a) in a conspicuous place, readily accessible to all contestants
12 and spectators, and shall assist in locating and identifying persons responsible for
13 injuries that may occur.

14 **SECTION 106.** 350.12 (4) (b) 1. of the statutes is amended to read:

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

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1 district may include a request for development, rehabilitation or maintenance of
2 trails, or any combination thereof. Trail routes, sizes and specifications shall be
3 prescribed only by the board.

4 **SECTION 107.** 350.12 (4) (b) 3. of the statutes is amended to read:

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

15 **SECTION 108.** 350.12 (4) (bg) 1. of the statutes is amended to read:

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

23 **SECTION 109.** 350.12 (4) (bg) 2. of the statutes is amended to read:

24 350.12 (4) (bg) 2. For fiscal year 2001–02, and for each fiscal year thereafter,
25 the department shall calculate an amount equal to the number of trail use stickers

BILL**SECTION 109**

1 issued under sub. (3j) in the previous fiscal year multiplied by \$15 and shall credit
2 this amount to the appropriation account under s. 20.370 (5) (cw). From the
3 appropriation account under s. 20.370 (5) (cw), the department shall make payments
4 to the department ~~or~~, a county, or a local park district for the purposes specified in
5 par. (b). The department shall make payments under par. (bm) for trail maintenance
6 costs that were incurred in the previous fiscal year and that exceed the maximum
7 specified under par. (b) 1. before making payments for any of the other purposes
8 specified in par. (b).

9 **SECTION 110.** 350.12 (4) (bm) (intro.) of the statutes, as affected by 2005

10 Wisconsin Act 25, is amended to read:

11 350.12 (4) (bm) *Supplemental trail aids; eligibility.* (intro.) A county, a local
12 park district, or the department shall be eligible for payments under par. (bg) for a
13 given fiscal year if it applies for the aid and if all of the following apply:

14 **SECTION 111.** 350.12 (4) (bm) 1. of the statutes is amended to read:

15 350.12 (4) (bm) 1. The actual cost incurred by the department ~~or~~, the county,
16 or the local park district in maintaining its trails that are qualified under par. (b) 1.
17 or 4. in the previous fiscal year exceeds the maximum of \$250 per mile per year under
18 par. (b) 1.

19 **SECTION 112.** 350.12 (4) (bm) 2. of the statutes, as affected by 2005 Wisconsin

20 Act 25, is amended to read:

21 350.12 (4) (bm) 2. Of the actual cost incurred by the department ~~or~~, the county,
22 or the local park district in maintaining its trails that are qualified under par. (b) 1.
23 or 4. for the fiscal year applicable under subd. 1., the actual cost incurred in grooming
24 the trails exceeds a maximum of \$150 per mile per year.

BILL

1 **SECTION 113.** 350.12 (4) (br) of the statutes, as affected by 2005 Wisconsin Act

2 25, is amended to read:

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

8 **SECTION 114.** 350.138 (1) (d) of the statutes is amended to read:

9 350.138 (1) (d) "Snowmobile alliance" means an organization that consists of
10 or represents any combination of 2 or more snowmobile clubs or, counties, or local
11 park districts.

12 **SECTION 115.** 350.138 (1) (f) of the statutes is amended to read:

13 350.138 (1) (f) "Snowmobile organization" means a snowmobile club, a
14 snowmobile alliance or, a county, or a local park district.

15 **SECTION 116.** 350.18 (1) of the statutes is amended to read:

16 350.18 (1) ~~Counties, towns, cities and villages~~ A county, city, town, or village
17 may regulate snowmobile operation on snowmobile trails ~~maintained by or on~~
18 ~~snowmobile routes designated by~~ under the jurisdiction of the county, city, town, or
19 village.

20 **SECTION 117. Effective dates.** This act takes effect on ~~the day after~~ ^{the January 1 following}
21 publication, except as follows: the date of

22 (1) The treatment of section 20.370 (5) (ct) (by SECTION 33) of the statutes takes
23 effect on July 1, 2007, ^{or the day after publication, whichever is later.}
24 *** NOTE: This date must be advanced by one year if the bill is not enacted early in the session. (END)

JWS S-1
JTK

Section #. 5.02 (5) of the statutes is amended to read:

5.02 (5) "General election" means the election held in even-numbered years on the Tuesday after the first Monday in November to elect United States senators, representatives in congress, presidential electors, state senators, representatives to the assembly, district attorneys, state officers other than the state superintendent and judicial officers, and county officers other than supervisors and county executives.

and in local park districts to elect initial local park district commissioners

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93; 1977 c. 107, 187, 394; 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260 ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a. 5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35; 2001 a. 16, 109; 2003 a. 24, 265; 2005 a. 177, 451.

JWS 9-23

Section # ~~7.51 (5) (a) 5.~~ of the statutes is amended to read:

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~~7.51 (5) (a) 5.~~ Upon receipt of the materials under subd. 4., the municipal clerk shall make sufficient copies of the inspectors' statement under sub. (4) (a) and seal one copy of the statement inside a carrier envelope together with the envelope containing any materials required to be delivered to the county clerk ^{or} the school district clerk. 5 or the local park district clerk The municipal clerk shall retain the original inspectors' statement.

History: 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182; 2001 a. 107, 109; 2003 a. 265; 2005 a. 451.

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INS 3A:

^{NOA}, except that, in an even-numbered year, if the governing bodies of the political subdivisions whose park facilities are included in a district can agree upon the organizing arrangements by June 1 following the adoption of resolutions or referenda questions approving the creation of a district, the initial commissioners are elected on a nonpartisan ballot at a special election that is held concurrently with the general (November) election in that year

INS 8-9:

SECTION ~~1~~¹ 7.10 (1) (a) of the statutes is amended to read:

7.10 (1) (a) Each county clerk shall provide ballots for every election in the county for all national, state and county offices, including metropolitan sewerage commission elections under s. 200.09 (11) (am), for municipal judges elected under s. 755.01 (4), for a local park district commission whenever the local park district is not coterminous with the boundaries of a single municipality, and for state and county referenda. The official and sample ballots shall be prepared in substantially the same form as those prescribed by the board under s. 7.08 (1) (a).

History: 1971 c. 304 s. 29 (2); 1973 c. 280; 1973 c. 334 s. 57; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 221, 260, 311, 355; 1981 c. 377; 1983 a. 484; 1985 a. 89, 304; 1991 a. 316; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107; 2003 a. 265; 2005 a. 451.

INS 10-23:

SECTION ~~2~~² 8.10 (3) (kw) of the statutes is created to read:

8.10 (3) (kw) For commissioners of local park districts who are elected at large, not less than 40 nor more than 200 electors, and for commissioners of local park districts who are elected from election districts, not less than 200 nor more than 400

INS 34-5

no 9

The district shall honor the terms of the employees' collective bargaining agreements to the extent allowed by law.

INS 34-7

*** Note: employees receive the same terms of their existing contracts after the transfer. Some existing terms such as health insurance with a carry over and participation in the county retirement system may not be possible after they become district employees. So we required the district to honor the terms of the contract to the extent allowed by law.

INS 34-12

district shall recognize

(e) Notwithstanding s. 11.70 (2), (3) and (6), the representative of the labor organization that covers the employees of the collective bargaining unit.

electors in local park districts of 500,000 population or more, and not less than 20 nor more than 100 electors in districts of less than 500,000 population. ✓

INS 15-16:

~~SECTION 3.~~ 11.26 (1) (d) 2. of the statutes is amended to read: ✓

11.26 (1) (d) 2. One cent times the number of inhabitants of the jurisdiction or district or election district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than \$3,000.

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32; 2001 a. 109; 2005 a. 177.

~~SECTION 4.~~ 11.26 (2) (e) 2. of the statutes is amended to read: ✓

11.26 (2) (e) 2. Three-fourths of one cent times the number of inhabitants of the jurisdiction or district or election district, according to the latest federal census or the census information on which the district is based, as certified by the appropriate filing officer, but not more than \$2,500.

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32; 2001 a. 109; 2005 a. 177.

INS 36-10:

^{NOT} If the number of commissioners is not divisible by 3, the clerk of the most populous political subdivision whose park facilities are included in the district shall designate the number of commissioners, as nearly equal to one-third as possible, whose initial terms shall expire in the following year, the 2nd following year, and the 3rd following year. ✓

2. If the commissioners are initially elected at the general election, the terms of office of the initial persons elected to office shall begin on the 2nd Monday in

January. If the commissioners are initially elected at the general election in any year, the terms of one-third of the initial persons elected to office shall expire on the first Monday in June of the 2nd year following that year; the terms of one-third of the initial persons elected to office shall expire on the first Monday in June of the 3rd following year; and the terms of office of ^{one-third of} the initial persons elected to office shall expire on the first Monday in June of the ^{4th} 3rd following year; and the terms of office of one-third of the initial persons elected to office shall expire on the first Monday in June of the 4th following year. If the number of commissioners is not divisible by 3, the clerk of the most populous political subdivision whose park facilities are included in the district shall designate the number of commissioners, as nearly equal to one-third as possible, whose initial terms shall expire in the 2nd following year, the 3rd following year, and the 4th following year. ✓

INS 39-21:

9 (d) Each petition filed under this subsection shall be in the form specified in s. 8.40, shall name the political subdivision whose park facilities are proposed to be withdrawn from the district, and shall name the district from which the facilities are to be withdrawn. The petition may be circulated on or after January 1 of any year and may be filed no later than 5 p.m. on the 3rd Tuesday in February. The petition shall contain the signatures of at least 100 electors of the political subdivision. ✓

INS 42-10:

(c) Each petition filed under this subsection shall be in the form specified in s. 8.40, shall name the political subdivision whose park facilities are proposed to be

attached to the district, and shall name the district to which the facilities are to be attached. The petition may be circulated on or after January 1 of any year and may be filed no later than 5 p.m. on the 3rd Tuesday in February. The petition shall contain the signatures of at least 100 electors of the political subdivision. ✓

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32; 2001 a. 109; 2005 a. 177.

INS 52-11 MBS

~~SPRETTA~~

Section #. 66.0617 (9) (b) of the statutes is amended to read:

~~66.0617(9)~~ 9

(b) The 7-year time limit for using impact fees that is specified under par. (a) may be extended for 3 years if the ~~political subdivision~~ ^{STRIKE} municipality or local park district adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the 7-year limit, it needs an additional 3 years to use the impact fees that were collected. The resolution shall specify the extenuating circumstances or hardship that led to the need to adopt a resolution under this paragraph.

History: 1993 a. 305; 1997 a. 27; 1999 a. 150 s. 524; Stats. 1999 s. 66.0617; 2005 a. 203, 477.

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not If the district hires a parks director, he or she shall be professionally qualified in the field of parks management and he or she must be able to demonstrate to the district that he or she has significant experience in the day to day operation of a park district. ✓

INSERT 44-3

not The district may establish civil penalties, including restitution and including forfeitures in an amount not to exceed \$500 for each violation, for violations of the rules and regulations authorized under this section. ✓

INSERT 44-22

(b) The initial operating levy of a district shall be imposed by the commission in December of the year preceding the January 1 on which the district is created under s. 27.161 (5). ✓ The initial levy is not subject to the approval of the electors, as ^{otherwise} specified in par. (a), and shall be imposed in an amount that equals as closely as possible the greater of the following: ✓

1. The total operating levy, of all political subdivisions whose park facilities are included in the district, that is attributable to park and recreational purposes for the fiscal year in which either the final enabling resolution is adopted under s. 27.161 (2) ✓ or the final referendum is held under s. 27.161 (3). ✓

2. The total operating levy, of all political subdivisions whose park facilities are included in the district, that is attributable to park and recreational purposes for the fiscal year before the fiscal year in which either the final enabling resolution is adopted under s. 27.161 (2) ✓ or the final referendum is held under s. 27.161 (3). ✓

↓

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VAD (2/10)

****NOTE: I believe that sub. (8) (b) is consistent with your instructions, but in practice it may be difficult for a political subdivision to calculate precisely the total operating levy that is "attributable to park and recreational purposes." This is because a lot of machinery, equipment, and personnel may be shared by many different departments within a political subdivision, including the parks department. ✓

INSERT 45-6

9 (13) Impose user fees for the use of district facilities and programs. The district may impose different fees based on whether the user resides within the district's jurisdiction. ✓

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

LRB-0220/p1dn
JTK&CMH:.....

mk

(date)

Senator Darling:

As I mentioned to John Vandlick, the provisions of proposed s. 27.161(7)(a) 3. of this draft that call for the initial commissioners of a local park district to be elected at the general election in some cases may raise concerns on the part of election administrators if it is determined that the voting equipment that is in use cannot readily accommodate both a partisan ballot and a nonpartisan ballot at the same election. You may wish to contact the Elections Board for advice on this issue. ✓

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

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line
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Whether Milwaukee County can simply transfer some of its employees to the Park District is an issue that needs to be examined in light of any applicable collective bargaining agreement covering the employees. If the Park District is a distinct employer under the Municipal Employment Relations Act (MERA), the transfer may be actually laying off the employees and guaranteeing initial employment with the Park District. If so, the collective bargaining agreements likely have layoff provisions, which may include notice, bumping rights, and severance pay. Some employees may seek to exercise rights to avoid a transfer. ✓

~~As a public employer clearly carrying out a governmental function, the Park District would be eligible for participation in the Wisconsin Retirement System. The process for obtaining WRS coverage that is not overnight or automatic. Employers must apply before November 15 for coverage beginning on January 1 in the following year. See, s. 40.21 (1). Hence, there will need to be some coordination in timing the transfer of the employees to the district to coincide with their immediate participation in the WRS. All county employees who have not vested in their retirement benefits with the county retirement system will lose those benefits once they cease working for the county. State law cannot force a local government retirement system to give nonvested employees their benefits. The vesting provisions of the county pension system will have to be looked at to determine if this is an issue.~~

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