



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0220/P1  
MS/JK/JTK/MG/CH:lk:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**AN ACT** *to repeal* 23.09 (26) (am) 4.; *to renumber* 23.305 (1) (a) to (i); *to renumber and amend* 23.09 (26) (a); *to amend* 5.02 (5), 5.02 (21), 5.15 (1) (c), 5.58 (3), 5.68 (2), 5.68 (3), 7.10 (1) (a), 7.51 (3) (b), 7.51 (3) (d), 7.51 (4) (b), 7.51 (5) (a) 2., 3. and 5. and (b), 9.10 (1) (a), 9.10 (2) (d), 9.10 (3) (a), 9.10 (4) (a), 9.10 (4) (d), 9.10 (7), 10.05, 10.07 (1), 11.26 (1) (d) 2., 11.26 (2) (e) 2., 11.31 (1) (h) (intro.), 17.13 (intro.), 17.13 (3), 20.370 (5) (cr), 20.370 (5) (ct), 20.370 (5) (ct), 20.370 (5) (cu), 23.09 (19) (a) 2., 23.09 (20) (ab) 2., 23.09 (20m) (a) 1., 23.09 (26) (title), 23.09 (26) (am) (intro.), 23.09 (26) (am) 1., 23.09 (26) (am) 3., 23.09 (26) (b), 23.09 (26) (d), 23.175 (1) (a), 23.305 (1) (intro.), 23.305 (2), 23.33 (8) (c), 23.33 (9) (c), 23.33 (11) (a), 25.50 (1) (d), 27.01 (3), 27.02 (1), 27.03 (2), 27.05 (intro.), 27.06, 27.075 (1), 27.075 (2), 27.075 (3), 27.075 (4), 27.08 (1), 27.08 (3), 30.277 (1b) (a), 66.0301 (1) (a), 66.0617 (1) (a), 66.0617 (1) (c), 66.0617 (1) (d), 66.0617 (1) (g), 66.0617 (1) (h), 66.0617 (2) (a), 66.0617 (3), 66.0617 (4) (a) (intro.), 66.0617 (4) (b), 66.0617 (5), 66.0617 (6) (intro.), 66.0617 (6) (b), 66.0617 (7), 66.0617 (8), 66.0617 (9), 66.0617 (10), 67.01 (5), 71.26 (1) (bm), 350.01 (11m),

350.04 (3) (a), 350.04 (3) (b), 350.12 (4) (b) 1., 350.12 (4) (b) 3., 350.12 (4) (bg) 1., 350.12 (4) (bg) 2., 350.12 (4) (bm) (intro.), 350.12 (4) (bm) 1., 350.12 (4) (bm) 2., 350.12 (4) (br), 350.138 (1) (d), 350.138 (1) (f) and 350.18 (1); and **to create** 5.15 (2) (f) 5., 5.58 (1u), 5.60 (6u), 7.53 (3m), 8.10 (3) (kw), 8.10 (6) (e), 8.11 (2f), 11.02 (8), 17.01 (11m), 17.27 (1f), 23.09 (26) (ac), 23.09 (26) (am) 3m., 23.09 (26) (ar), 23.09 (26) (bg), 23.09 (26) (h), 23.305 (1) (am), 23.33 (1) (im), 27.16, 27.161, 27.162, 27.163, 27.164, 27.165, 66.0617 (1) (am), 66.0617 (2) (am), 66.0617 (6) (h), 70.11 (37m), 77.25 (18m), 77.54 (9a) (i), 350.01 (2m) and 350.01 (9j) of the statutes; **relating to:** authorizing the creation of local park districts, authorizing a local park district to levy a property tax, authorizing a local park district to apply for funding from certain programs administered by the Department of Natural Resources, and authorizing a local park district to impose impact fees and issue debt.

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*Analysis by the Legislative Reference Bureau*

**CREATION AND DISSOLUTION OF A DISTRICT**

This bill authorizes one or more municipalities (cities, villages, or towns), one or more counties, or any combination of 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 both methods, an election of the district's commissioners must take place. Under the first method, the governing bodies of one or more political subdivisions may adopt an enabling resolution that declares the need for establishing the district and contains a 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 may be created by a petition and referendum. 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 third Tuesday in February. The petition must be filed in every political subdivision whose park facilities are proposed to be included in the district. If it is signed by at least 100 qualified electors residing in each political subdivision whose park facilities are proposed to be included in 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 political subdivision.

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 transfer title of the municipal or county park facilities to the district and a method to select an arbitrator who will decide certain issues that the relevant political subdivisions are unable to resolve. On the date that a district is created, which is always on a January 1 following the initially elected commissioners taking office, 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 members who are elected on a nonpartisan ballot at the spring election, 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. In districts having a population of 500,000 or more, there must be nine commissioners who must be elected from election districts of equal population, insofar as practicable. 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 boundaries of election districts are initially prescribed by the State Elections Board and thereafter decennially by the commission. Vacancies are filled by appointment of the remaining members of the commission. 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 the terms of approximately one-third of the members of the commission expire in each year.

Under the bill, the territory of a political subdivision may be in only one district, and no county may contain more than 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 districts must agree on the selection of an arbitrator who will decide the settlement amount within 30 days after his or her appointment.

With the commission's approval, the initial jurisdiction of a district may be expanded to include any other political subdivision under procedures adopted by the commission. Any procedures for expansion must 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 electors of the political subdivision approve the resolution in a referendum called for that purpose, the political subdivision may withdraw from the district. Under the second method, <sup>or</sup> if the electors of a political subdivision may petition the commission to submit the question of withdrawal of the political subdivision from a district, and the commission must then call a referendum in the political subdivision for the electors to vote on whether to approve the question. 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.

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 political subdivision, 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.

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

When a district is created, the initial property tax levy 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 to expenditures for park and recreational purposes in the year in which the district is authorized, or in the prior year — whichever is greater. Any increase in the initial property tax levy is subject to approval by the electors of a district at a referendum. The district must hold such a 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 commission adopts a resolution to increase the levy. The district may use the tax revenue only for park and recreational purposes.

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.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

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

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

**SECTION 1.** 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.

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

**SECTION 4.** 5.15 (2) (f) 5. of the statutes is created to read:

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

**SECTION 5.** 5.58 (1u) of the statutes is created to read:

5.58 (1u) LOCAL PARK DISTRICT COMMISSIONERS. Except as authorized in s. 5.655, there shall be a separate ballot for the election of commissioners of any local park district. Arrangement of the names on the ballot shall be determined by the local

park district clerk in the manner provided under s. 5.60 (1) (b). The ballot shall be entitled "Official Primary Ballot for Commissioner of the ... Park District." The ballot shall also specify "At large" or "Election District ...." as required.

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

**5.58 (3) NAMES ON SPRING BALLOT.** Only 2 candidates for state superintendent, for any judicial office, or for any elected seat on a metropolitan sewerage commission or town sanitary district commission; in counties having a population of 500,000 or more only 2 candidates for member of the board of supervisors within each district; in counties having a population of less than 500,000 only 2 candidates for each member of the county board of supervisors from each district or numbered seat or only 4 candidates for each 2 members of the county board of supervisors from each district whenever 2 supervisors are elected to unnumbered seats from the same district; in 1st class cities only 2 candidates for any at-large seat and only 2 candidates from any election district to be elected to the board of school directors; in school districts electing school board members to numbered seats, or pursuant to an apportionment plan or district representation plan, only 2 school board candidates for each numbered seat or within each district; in a local park district, twice as many candidates as are to be elected commissioner within each of the election districts and from the district at large; and twice as many candidates as are to be elected members of other school boards or other elective officers receiving the highest number of votes at the primary shall be nominees for the office at the spring election. Only their names shall appear on the official spring ballot.

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

**5.60 (6u) LOCAL PARK DISTRICT COMMISSION.** Except as authorized in s. 5.655, a separate ballot shall list the names of all candidates for commissioner of any local

park district. Arrangement of the names on the ballot shall be determined by the local park district clerk in the manner provided under sub. (1) (b). The ballot shall be entitled "Official Ballot for Commissioner of the .... Park District." The ballot shall also specify "At large" or "Election District ...." as required.

**SECTION 8.** 5.68 (2) of the statutes is amended to read:

5.68 (2) Except as otherwise expressly provided, all costs for ballots, supplies, notices, and any other materials necessary in preparing or conducting any election shall be paid for by the county or municipality whose clerk or board of election commissioners is responsible for providing them. If a ballot is prepared for a school, technical college, sewerage ~~or~~, sanitary, or local park district, the district shall pay for the cost of the ballot. If no other level of government is involved in a school, technical college, sewerage ~~or~~, sanitary, or local park district election, the district shall pay for all costs of the ballots, supplies, notices, and other materials. If ballots, supplies, notices, or other materials are used for elections within more than one unit of local government, the costs shall be proportionately divided between the units of 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.

**SECTION 9.** 5.68 (3) of the statutes is amended to read:

5.68 (3) If voting machines are used or if an electronic voting system is used in which all candidates and referenda appear on the same ballot, the ballots for all national, state and county offices and for county and state referenda shall be prepared and paid for by the county wherein they are used. If the voting machine or electronic voting system ballot includes a municipal or a school, technical college, sewerage, local park, or sanitary district ballot, the cost of that portion of the ballot



shall be reimbursed to the county or paid for by the municipality or district, except as provided in a 1st class city school district under sub. (2).

**SECTION 10.** 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).

**SECTION 11.** 7.51 (3) (b) of the statutes is amended to read:

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

**SECTION 12.** 7.51 (3) (d) of the statutes is amended to read:

7.51 (3) (d) Except in municipalities where absentee ballots are canvassed under s. 7.52, all absentee certificate envelopes which have been opened shall be returned by the inspectors to the municipal clerk in a securely sealed carrier envelope which is clearly marked "used absentee certificate envelopes". The envelopes shall be signed by the chief inspector and 2 other inspectors. Except when the ballots are used in a municipal ~~or~~, school district, or local park district election only, the municipal clerk shall transmit the used envelopes to the county clerk.

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

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

**SECTION 14.** 7.51 (5) (a) 2., 3. and 5. and (b) of the statutes are amended to read:

7.51 (5) (a) 2. After recording the votes, the inspectors shall seal in a carrier envelope outside the ballot bag or container one tally sheet and one poll list for delivery to the county clerk, unless the election relates only to municipal ~~or~~, school district, or local park district offices or referenda.

3. The inspectors shall also seal the inspectors' statement inside a separate carrier envelope, and shall similarly seal in a separate carrier envelope one tally sheet and one poll list for delivery to the municipal clerk. For school district elections, except in 1st class cities, the inspectors shall seal one tally sheet and one poll list for delivery to the school district clerk. For local park district elections, the inspectors shall seal one tally sheet and one poll list for delivery to the local park district clerk.

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, or the local park district clerk. The municipal clerk shall retain the original inspectors' statement.

(b) The municipal clerk shall deliver all ballots, statements, tally sheets, lists, and envelopes relating to a school district or local park district election to the school district or local park district clerk, respectively by 4 p.m. on the day following each such election. The municipal clerk shall deliver the ballots, statements, tally sheets, lists, and envelopes for his or her municipality relating to any county, technical college district, state, or national election to the county clerk no later than 4 p.m. on the day following each such election or, in municipalities where absentee ballots are canvassed under s. 7.52, by 4 p.m. on the 2nd day following each such election, and no later than 4 p.m. on the day after receiving any corrected returns under s. 6.221 (6) (b). The person delivering the returns shall be paid out of the municipal treasury. Each clerk shall retain ballots, statements, tally sheets, or envelopes received by the clerk until destruction is authorized under s. 7.23 (1).

**SECTION 15.** 7.53 (3m) of the statutes is created to read:

**7.53 (3m) LOCAL PARK DISTRICT ELECTIONS.** The local park district clerk shall appoint 2 qualified electors of the district prior to the date of the election being canvassed, who shall, with the clerk, constitute the local park district board of canvassers. The clerk shall appoint another qualified elector of the district to fill any vacancy on the board of canvassers. If the clerk's office is vacant or the clerk cannot perform his or her duties, the chairperson of the local park district commission shall designate another qualified elector of the district to serve in lieu of the clerk. The canvass shall begin as soon as possible after receipt of the returns and shall continue, without adjournment, until completed. The board of canvassers may return defective returns to the municipal board of canvassers in the manner provided in s. 7.60 (3). The board of canvassers shall prepare a written statement showing the numbers of votes cast for each person for each office and shall prepare a

determination showing the names of the persons who are elected to the local park district commission. Following each primary election, the board of canvassers shall prepare a statement certifying the names of the persons who have won nomination to the local park district commission. Each statement and determination shall be attested by each of the canvassers. The board of canvassers shall file each statement and determination in the local park district office.

**SECTION 16.** 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 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.

**SECTION 17.** 8.10 (6) (e) of the statutes is created to read:

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

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

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

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

9.10 (1) (a) The qualified electors of the state; of any county, city, village, or town; of any congressional, legislative, judicial, or school district; of any local park district or election district thereof; or of any prosecutorial unit may petition for the recall of any incumbent elective official by filing a petition with the same official or

agency with whom nomination papers or declarations of candidacy for the office are filed demanding the recall of the officeholder.

**SECTION 20.** 9.10 (2) (d) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

**SECTION 24.** 9.10 (7) of the statutes is amended to read:

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

**SECTION 25.** 10.05 of the statutes is amended to read:

**10.05 Posting of notice.** Unless specifically designated elsewhere, this section applies to villages, towns ~~and~~, school districts, and local park districts.

Whenever a notice is required to be published, a village, town ~~or~~, school district, or

~~local park districts~~ may post 3 notices in lieu of publication under ch. 985 whenever

there is not a newspaper published within the village, town ~~or~~, school district, or local

~~park districts~~ or whenever the governing body of the village, town ~~or~~, school district,

~~or local park districts~~ chooses to post in order to supplement notice provided in a

newspaper. Whenever the manner of giving notice is changed by the governing body,

the body shall give notice of the change in the manner used before the change.

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

**SECTION 26.** 10.07 (1) of the statutes is amended to read:

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

**SECTION 27.** 11.02 (8) of the statutes is created to read:

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

**SECTION 28.** 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.

**SECTION 29.** 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.

**SECTION 30.** 11.31 (1) (h) (intro.) of the statutes is amended to read:

11.31 (1) (h) (intro.) Candidates for any local office, who are elected from a jurisdiction ~~or~~ district, or election district with less than 500,000 inhabitants according to the latest federal census or census information on which the district is based, as certified by the appropriate filing officer, an amount equal to the greater of the following:

**SECTION 31.** 17.01 (11m) of the statutes is created to read:

17.01 (11m) By a commissioner of a local park district, to the local park district commission. The local park district commission shall immediately give a copy of each resignation under this subsection to the elections board and to the chief executive officer of each municipality that has territory within the jurisdiction of the district.

**SECTION 32.** 17.13 (intro.) of the statutes is amended to read:

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

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

**SECTION 33.** 17.13 (3) of the statutes is amended to read:

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

**SECTION 34.** 17.27 (1f) of the statutes is created to read:

17.27 (1f) LOCAL PARK DISTRICT COMMISSION. Except as provided in s. 9.10, a vacancy in the office of commissioner of a local park district may be filled for the residue of the unexpired term by temporary appointment of the remaining members of the local park district commission. 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 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 35.** 20.370 (5) (cr) of the statutes is amended to read:

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

**SECTION 36.** 20.370 (5) (ct) of the statutes, as affected by 2005 Wisconsin Act 25 by section 247c, is amended to read:

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

**SECTION 37.** 20.370 (5) (ct) of the statutes, as affected by 2005 Wisconsin Act 25 by section 247g and 2005 Wisconsin Act ... (this act), is amended to read:

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

**SECTION 38.** 20.370 (5) (cu) of the statutes is amended to read:

20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a continuing appropriation, the amounts in the schedule from moneys received from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns, villages, cities, counties, local park districts, as defined in s. 23.33 (1m), and federal agencies for nonstate all-terrain vehicle projects.

**SECTION 39.** 23.09 (19) (a) 2. of the statutes is amended to read:

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

**SECTION 40.** 23.09 (20) (ab) 2. of the statutes is amended to read:

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

**SECTION 41.** 23.09 (20m) (a) 1. of the statutes is amended to read:

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

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

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

**SECTION 43.** 23.09 (26) (a) of the statutes is renumbered 23.09 (26) (g) and amended to read:

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

**SECTION 44.** 23.09 (26) (ac) of the statutes is created to read:

23.09 (26) (ac) In this subsection:

1. "Local park district" has the meaning given in s. 350.01 (2m).
2. "Facility" means a parking area, shelter, or toilet.

**SECTION 45.** 23.09 (26) (am) (intro.) of the statutes is amended to read:

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

**SECTION 46.** 23.09 (26) (am) 1. of the statutes is amended to read:

23.09 (26) (am) 1. Purchase lands or secure easements, leases, permits, or other appropriate agreements, written or oral, permitting use of private property for snowmobile trails, facilities, and areas, if such the easements, leases, permits, or other agreements provide public access to the trail, facility, or area. No lands purchased or leases, easements, permits, or agreements secured under authority of this section subsection may be acquired by ~~the county~~ through condemnation. Counties and local park districts shall certify to the department that such the lands,

easements, leases, permits, or other appropriate agreements have been secured. However, when bridges, culverts, ~~toilet facilities, parking lots or shelters or facilities~~ are to be constructed under this ~~section~~ subsection and the improvements are estimated to cost in excess of \$3,000, the land underlying ~~such~~ these improvements must be purchased by the county or local park district or secured by the county or local park district by written easements or leases having a term of not less than 3 years.

**SECTION 47.** 23.09 (26) (am) 3. of the statutes is amended to read:

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

**SECTION 48.** 23.09 (26) (am) 3m. of the statutes is created to read:

23.09 (26) (am) 3m. Develop and maintain snowmobile trails, facilities, and areas under subd. 1. or 2.

**SECTION 49.** 23.09 (26) (am) 4. of the statutes is repealed.

**SECTION 50.** 23.09 (26) (ar) of the statutes is created to read:

23.09 (26) (ar) Counties may receive aids under this subsection distributed in accordance with s. 350.12 (4) to enforce laws in and on snowmobile trails, facilities, and areas.

**SECTION 51.** 23.09 (26) (b) of the statutes is amended to read:

23.09 (26) (b) ~~The county board of any county, which, by resolution, indicates its desire~~ Any county or any local park district that wishes to receive aids under this subsection shall apply to the department on forms prescribed by the department and submit required documentation as ~~set forth~~ promulgated by rule on or before April

15, ~~beginning in 1978~~ of each year. A decision on an aid application shall be made by the department on or before the following July 1, ~~beginning in 1978~~.

**SECTION 52.** 23.09 (26) (bg) of the statutes is created to read:

23.09 (26) (bg) The department shall review the aid application as it considers necessary to determine whether the approval of the application will best serve the public interest and need. In making its decision, the department shall give careful consideration to whether the proposal is an integral part of an official comprehensive land and water use plan for the area as well as the relationship of the proposal to similar proposals on other public lands.

**SECTION 53.** 23.09 (26) (d) of the statutes is amended to read:

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

**SECTION 54.** 23.09 (26) (h) of the statutes is created to read:

23.09 (26) (h) Trails, areas, facilities, or other structures for which aid granted under this subsection is provided may not be converted to uses that are inconsistent with the purposes of this subsection without the approval of the department. The department shall not grant approval unless there is evidence that these uses are essential to and in accordance with an official comprehensive land and water use plan for the area. The department shall require that the proceeds from the sale or other disposal of trails, areas, facilities, or other structures for which aid is provided under this subsection be used to further the purposes of this subsection.