

**SECTION 55.** 23.175 (1) (a) of the statutes is amended to read:

23.175 (1) (a) "Political subdivision" means a city, a village, a town ~~or~~, a county, or a local park district created under s. 27.161.

**SECTION 56.** 23.305 (1) (intro.) of the statutes is amended to read:

23.305 (1) (intro.) In this section, ~~"spectator sports";~~

(bm) "Spectator sports" means events or contests in which the general public spectates but does not participate, including without limitation because of enumeration:

**SECTION 57.** 23.305 (1) (a) to (i) of the statutes are renumbered 23.305 (1) (bm) 1. to 9.

**SECTION 58.** 23.305 (1) (am) of the statutes is created to read:

23.305 (1) (am) "Local park district" means a local park district created under s. 27.161 but not with the participation of any city.

**SECTION 59.** 23.305 (2) of the statutes is amended to read:

23.305 (2) Notwithstanding ss. 23.30 and 28.04, the department may lease state park land or state forest land to towns, villages ~~or~~, counties, or local park districts for outdoor recreational purposes associated with spectator sports.

**SECTION 60.** 23.33 (1) (im) of the statutes is created to read:

23.33 (1) (im) "Local park district" means a local park district created under s. 27.161.

**SECTION 61.** 23.33 (8) (c) of the statutes is amended to read:

23.33 (8) (c) *Trails.* A town, a village, a city, a county, or a local park district or the department may designate corridors through land which it owns or controls, or for which it obtains leases, easements or permission, for use as all-terrain vehicle trails.

**SECTION 62.** 23.33 (9) (c) of the statutes is amended to read:

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

**SECTION 63.** 23.33 (11) (a) of the statutes is amended to read:

23.33 (11) (a) ~~Counties, towns, cities and villages~~ A county, city, town, or village may enact ordinances regulating all-terrain vehicles on all-terrain vehicle trails ~~maintained by or on all-terrain vehicle routes designated by~~ under the jurisdiction of the county, city, town, or village.

**SECTION 64.** 25.50 (1) (d) of the statutes is amended to read:

25.50 (1) (d) "Local government" means any county, town, village, city, power district, sewerage district, drainage district, town sanitary district, public inland lake protection and rehabilitation district, local professional baseball park district created under subch. III of ch. 229, family care district under s. 46.2895, local professional football stadium district created under subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229, local park district created under s. 27.161, public library system, school district or technical college district in this state, any commission, committee, board, or officer of any governmental subdivision of this state, any court of this state, other than the court of appeals or the supreme court, or any authority created under s. 114.61, 231.02, 233.02, or 234.02.

**SECTION 65.** 27.01 (3) of the statutes is amended to read:

27.01 (3) TRANSFER OF STATE PARK LAND TO MUNICIPALITIES. The department may not transfer the ownership of any state park or land within any state park to any ~~county, city, village or~~, town, county, or local park district created under s. 27.161

unless ~~it~~ the department receives the approval of the joint committee on finance regarding the appropriate level of reimbursement to be received by the state to reflect the state's cost in acquiring and developing the state park or land within the state park.

**SECTION 66.** 27.02 (1) of the statutes is amended to read:

27.02 (1) Except as provided under sub. (2) and except in counties that are part of a local park district created under s. 27.161, in every county with a population of at least 150,000, but less than 500,000, and in any other county with a population of less than 150,000 wherein the county board has by resolution provided for a county park commission subject to ss. 27.02 to 27.06, the chairperson of the county board shall appoint a county park commission consisting of 7 members, any number of which may be members of the county board. The appointments shall be made in writing and filed in the office of the county clerk. The term of each member, except county board members, is 7 years following July 1 of the year in which the appointment is made and until the appointment and qualification of a successor, except that the first 7 members shall be appointed respectively for such terms that on July 1 in each of the 7 years following the year in which they are appointed the term of one member will expire. After the original appointments one commissioner shall be appointed annually in the month of June to succeed the member whose term will expire on July 1 following, except that in counties with a population of at least 150,000 but less than 500,000 the members shall be elected by the county board of supervisors. The term of any park commissioner appointed to the commission while serving as a county board member shall end when the commissioner's membership on the county board terminates, unless thereafter reappointed to the commission.

**SECTION 67.** 27.03 (2) of the statutes is amended to read:

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

**SECTION 68.** 27.05 (intro.) of the statutes is amended to read:

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

**SECTION 69.** 27.06 of the statutes is amended to read:

**27.06 Mill-tax appropriation.** The Except in a county that is part of a local park district created under s. 27.161, the county board may annually, at the same time that other county taxes are levied, levy a tax upon the taxable property of such county for the purchase of land and the payment of expenses incurred in carrying on

the work of the park commission. In every county having a population of 500,000 or more, the county park commission shall be subject to s. 59.60.

**SECTION 70.** 27.075 (1) of the statutes is amended to read:

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

participation with a county under s. 27.161 (3), may negotiate the termination of any agreement entered into with a county under this subsection or may remain a party to the agreement.

**SECTION 71.** 27.075 (2) of the statutes is amended to read:

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

**SECTION 72.** 27.075 (3) of the statutes is amended to read:

27.075 (3) After the adoption of resolutions by the county board, ~~the county board shall have full power to~~ or the commission as defined in s. 27.16 (2), the board or commission may legislate upon and administer the entire subject matter committed to it, ~~and among other things, to~~ and may determine, where not otherwise

provided by law, the manner of exercising the power thus assumed. No county may exercise any power under this section in a local park district created under s. 27.161.

**SECTION 73.** 27.075 (4) of the statutes is amended to read:

27.075 (4) ~~The town, city or village concerned~~ A city, village, or town may enter into necessary contracts with the county, ~~or the district as defined in s. 27.16 (4),~~ and appropriate money to pay the county ~~or the district,~~ for the reasonable expenses incurred in rendering the park services assumed. ~~Such~~ The contract shall also provide a procedure for the termination of the contract by any city, village, or town that wishes to create or participate in a local park district under s. 27.161. The expenses may be certified, returned, and paid as are other county charges, and, in the case of services performed pursuant to ~~under~~ under a proposal for the consolidation thereof of municipal park services initiated by the county board ~~or district~~ and made available to each ~~town, city and village~~ city, village, and town in the county on the same terms, the expenses thereof shall be certified, returned, and paid as county charges; but ~~in the event that each and every town, city and village~~ if every city, village, and town in the county shall ~~accept such~~ accepts the proposal of the county board ~~or district~~ the expenses thereof shall be paid by county ~~or district~~ taxes to be levied and collected as are other taxes for county purposes. ~~Said towns, cities and villages are vested with all necessary power to do the things herein required, and to do all things and to exercise or relinquish any of the powers herein provided or contemplated.~~ The procedure herein provided in this section for the request or acceptance of the exercise of the powers conferred on the county board ~~or district~~ commission in cities and villages is hereby ~~prescribed~~ as a special method of determining the local affairs and government of such cities and villages pursuant to article XI, section 3, of the constitution.

**SECTION 74.** 27.08 (1) of the statutes is amended to read:

27.08 (1) Every city that is not part of a local park district created under s. 27.161 may by ordinance create a board of park commissioners subject to this section, or otherwise as provided by ordinance. ~~Such, and if the city has a board of park commissioners the city shall terminate that board and end the board's authority under this section upon the city's creation of or participation in a local park district under s. 27.161.~~ The board shall be organized as directed by the common council shall provide.

**SECTION 75.** 27.08 (3) of the statutes is amended to read:

27.08 (3) ~~In any city having no~~ If a city does not have a board of park commissioners ~~its~~ and is not part of a local park district created under s. 27.161, the city's public parks, parkways, boulevards, and pleasure drives shall be under the charge of its board of public works, ~~if it has such last named board; otherwise or, if it does not have such a board,~~ under the charge of its common council. When so in charge, the board of public works or the common council may exercise all of the powers of a board of park commissioners. Upon a city's creation of or participation in a local park district under s. 27.161, the city's board of public works or common council may not exercise any authority under this section.

**SECTION 76.** 27.16 of the statutes is created to read:

**27.16 Local park districts; definitions.** In ss. 27.16 to 27.165:

(1) "Chief executive officer" means, as to a sponsoring political subdivision or as to a municipality or county that is wholly within the jurisdiction of a district, the mayor or city manager of a city, the village president of a village, the town board chairperson of a town, the county executive of a county or, if the county does not have a county executive, the chairperson of the county board.



(2) "Commission" means the governing body of a district.

(3) "Commissioners" means the commissioners of a district.

(4) "District" means a local park district which is a special purpose district created under s. 27.161.

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

(6) "Municipality" means a city, village, or town.

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

(8) "Political subdivision" means a municipality or county.

(9) "Regular election" means an election that is described in s. 5.02 (5), (18), (21), or (22).

(10) "Sponsoring political subdivision" means any of the following:

(a) A municipality that creates a district in combination with another municipality or county.

(b) A county that creates a district on its own or in combination with another municipality or county.

**SECTION 77.** 27.161 of the statutes is created to read:

**27.161 Local park districts; creation, organization, and administration.** (1) Subject to sub. (5), one or more political subdivisions may create a special purpose district that is a unit of government, that is a body corporate and politic, that is separate and distinct from, and independent of, the state and the

sponsoring political subdivisions, and that has the powers under s. 27.163, if the sponsoring political subdivisions do all of the following:

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

1. Declares the need for establishing the district.
2. Contains findings of public purpose.
3. Contains a description of the boundaries of the proposed district.
4. If the sponsoring political subdivision is a municipality, declares an intention to negotiate with a county the termination of any agreement entered into under s. 27.075 (1), (2), or (4).

5. Except in counties having a population of 500,000 or more, the number of commissioners, which shall be at least 3 but not more than 9, and the number of those commissioners who will be elected at large and the number of those commissioners who will be elected from election districts.

6. If the sponsoring political subdivision is a county, declare an intention to negotiate with each municipality that is subject to an agreement or contract with the county under s. 27.075 (1), (2), or (4) the termination of any such agreements or contracts, or negotiate an agreement under which each such municipality may remain as a party to the agreement or contract knowing that the district will assume the county's responsibility under the agreement or contract.

7. If the sponsoring political subdivision is a county, declare an intention to separate its local park commission or local park department from the county as part of the process of creating a district.

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

(2) Subject to sub. (5), a district shall consist of one or more political subdivisions, except that no county may contain more than one district. Each sponsoring political subdivision shall be identified in a substantially similar enabling resolution that is adopted by the governing body of each sponsoring political subdivision within a 90-day period beginning with the date of adoption of the first enabling resolution.

(3) A district may also be created, subject to subs. (4) and (5), by referendum if a petition requesting the creation of a district is filed in accordance with this subsection and the question is approved by a majority of the electors of each of the political subdivisions where park facilities are to be included in the proposed district. The petition shall conform to the following requirements:

(a) The petition shall be in the form specified in s. 8.40, shall specify each political subdivision whose park facilities are to be included in the proposed district, and shall contain a description and scale map of the proposed district.

(b) Except in counties having a population of 500,000 or more, the petition shall specify the number of commissioners, and the number of those commissioners who will be elected at large and the number of those commissioners who will be elected from election districts.

(c) The petition may be circulated on or after January 1 of any year and may be filed not later than 5 p.m. on the 3rd Tuesday in February.

(d) The petition shall be signed by at least 100 qualified electors residing in each political subdivision whose park facilities are to be included in the proposed district.

(e) The petition shall be filed with the clerk of each political subdivision whose park facilities are to be included in the proposed district.

(4) If all of the steps in sub. (3) occur, each political subdivision in which a petition containing the requisite number of signatures are submitted to the clerk shall hold a referendum at the next succeeding spring election. The referendum question shall be substantially as follows: "Shall a local park district, the territory of which includes in whole the ... [name of municipality or county], be created?" Subject to sub. (5), if the question submitted at the referendum is approved by a majority of the electors who vote in the referendum in at least one political subdivision, a special purpose district that is a unit of government, that is a body corporate and politic, that is separate and distinct from, and independent of, the state and each political subdivision, and that has the powers under s. 27.163 is created, the boundaries of which include each political subdivision in which the question is approved. If a referendum question is not approved in at least one political subdivision, no district may be created.

(5) (a) A district is created on January 1 following the date on which all of the following occur:

1. An enabling resolution is adopted in one or more political subdivisions under sub. (1), or a referendum question is approved in one or more political subdivisions

under sub. (3). (4)

2. The initial commissioners are elected under sub. (7) (a) 3. and assume office under sub. (7) (e).

(b) Before a district is created, the governing bodies of each political subdivision that has adopted a resolution under sub. (1) or in which a referendum question has been approved under sub. (4) shall adopt a resolution or enact an ordinance, which shall become effective not later than September 1 of the year in which the resolution under sub. (1) or the referendum question is approved, that contains an agreement

among each of the governing bodies which addresses at least all of the following provisions:

1. A method to transfer title of the county or municipal facilities within their individual jurisdictions to the district.

2. A method to select an arbitrator who will decide any issues relating to the creation or dissolution of a district, under s. 27.165 (2) that the sponsoring political subdivisions, or governing bodies of political subdivisions that join a district, question or are unable to resolve.

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

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

(b) All employees of the political subdivision having functions related to parks and recreation become employees of the district. Employees so transferred have all the rights under s. 59.52 (8) or 66.0509 or subch. I of ch. 63, that they enjoyed as employees of the political subdivision. The district shall honor the terms of the employees' collective bargaining agreements to the extent allowed by law. No employee so transferred who has attained permanent status in class is required to serve a probationary period.

\*\*\*\*NOTE: You asked that the employees receive the same terms of their existing contracts after the transfer. Some existing terms, such as health insurance with a county 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.

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

(d) All contracts entered into by the political subdivision with respect to park and recreational functions remain in effect and are transferred to the district. The

district shall carry out any obligations under such a contract until the contract is modified or rescinded by the district, to the extent allowed under the contract.

(e) Notwithstanding s. 111.70 (2), (3), and (6), the district shall recognize the representative of the labor organization that covers the transferred employees of the collective bargaining unit.

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

**(7)** (a) 1. The district is governed by a commission. The commission may adopt bylaws to govern the district's activities, subject to ss. 27.16 to 27.165.

2. In counties having a population of 500,000 or more, the commission shall consist of 9 members who shall be elected from election districts within the district. In districts located wholly or partly within other counties, the commission shall consist of not more than 9 members and not fewer than 5 members.

3. The commissioners shall be regularly elected at the spring election. If commissioners are elected at large, they shall be elected from numbered seats which shall be designated by the commission. If the commissioners are elected from election districts, they shall be elected pursuant to a districting plan adopted under par. (b).

4. The initial election of commissioners shall occur at the spring election that is held in the year following the year in which the resolution or ordinance described in sub. (5) (a) takes effect, except that if the resolution or ordinance takes effect before June 1 in an even-numbered year, the initial election of commissioners shall occur at a special election which shall be held concurrently with the general election. The

clerk or board of election commissioners of the most populous political subdivision whose park facilities are included in the district shall serve as the clerk of the district until an initial clerk is appointed under par. (h) and qualifies.

(b) 1. Each districting plan shall divide the entire district into election districts for the election of commissioners. The districting plan shall assign consecutive whole numbers to the election districts. Each election district shall consist of contiguous whole wards or municipalities and shall be equal in population insofar as practicable. The districting plan for the election of initial commissioners in a newly created district shall be prescribed by the board. Thereafter, the commissioner shall adopt the districting plan. The plan shall be adopted by a majority vote of the members elected or appointed to the commission. Except as otherwise provided in sub. (7m) or (10), the plan shall be effective until the commission adopts a revised plan following the next federal decennial census. Upon implementation of the plan, each commissioner who is elected to represent an election district shall be elected by plurality vote of the electors of the election district from which he or she seeks office. In a primary election for the office of any commissioner to be elected from an election district, only the electors of the election district may vote in the election.

2. Each candidate for commissioner shall state on the face of his or her declaration of candidacy and nomination papers whether the candidate seeks election at large or from an election district, and if from an election district, the number of the district from which the candidate seeks office.

(c) Each commissioner shall be a resident of the district and, if elected from an election district, a resident of the election district from which he or she is elected at the time that the member takes the oath of office. If a commissioner who is elected from an election district ceases to be a resident of that election district after the

beginning of his or her term of office but continues to be a resident of the district, the member may continue to serve for the remainder of the term for which he or she was elected or appointed.

(d) No person who serves in any other state, local, or national office, as defined in s. 5.02, is eligible to serve in the office of commissioners.

(e) 1. Except as provided in this paragraph, the terms of the commissioners shall be 3 years, beginning on the first Monday in June following their election to office. When a district is created, the terms of one-third of the initial persons elected to office shall expire on the first Monday in June of the 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 2nd year following that year; and the terms of one-third of the persons elected to office shall expire on the first Monday in June of the 3rd year following that 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 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 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.

(f) Commissioners may be removed from office before the expiration of their terms, for cause, as provided in s. 17.13 (3) and may be recalled as provided in s. 9.10. Vacancies in the office of commissioner shall be filled as provided in s. 17.27 (1f).

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

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

2. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify to the county clerk or board of election commissioners the names of candidates who have filed valid nomination papers for commissioner and who are eligible to have their names appear on the ballot under s. 8.30. If any municipality lying wholly or partially within the district prepares its own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of candidates to the municipal clerk. In making these certifications, the clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed under s. 7.08 (2) (a). If a primary is

held for any seat on a commission, the clerk shall certify to the county clerk or board of election commissioners the names of candidates who have won nomination to the commission and who are eligible to have their names appear on the ballot under s. 8.30. If any municipality lying wholly or partially within the district prepares its own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of candidates to the municipal clerk or board of election commissioners. The clerk shall notify the municipal clerk or board of elections commissioners of each municipality lying wholly or partially within the district of any district election and furnish each municipal clerk with a copy of the notice of the district election. If paper ballots are utilized at a district election, the clerk shall provide each municipal clerk with an adequate supply of ballots for the election at least 22 days before the election. The clerk shall issue certificates of election to persons who are elected to the commission after each election in the manner provided under s. 7.53 (4).

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

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

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

**(7m)** Within 60 days after the municipal governing body of each municipality that is wholly or partly contained within the district enacts an ordinance or adopts a resolution under s. 5.15 dividing the municipality into wards, if the municipality is required to do so, or otherwise within 60 days after the necessary population data becomes available from the federal government or is published by an agency of this state, the commission shall, by vote of a majority of the members of the commission,

adopt a revised plan for the election districts within the district. Each election district under the plan shall consist of contiguous whole wards or municipalities and shall be equal in population insofar as practicable. Except as otherwise required under sub. (10), the plan shall be effective until the commission adopts a revised plan under this subsection following the next federal decennial census unless a court of competent jurisdiction orders the commission to revise the plan at an earlier date.

(8) (a) 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 shall 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 district which receives the annexed territory shall negotiate a settlement agreement with the park district from which the territory was annexed to compensate that park district for the park facilities that are transferred, based on at least all of the following factors:

1. The current value of park facilities that are transferred.
2. The amount of money or any other contribution made by the park district for the park facilities that are transferred.

(b) If the park districts are unable to negotiate a settlement under par. (a) within 60 days after the effective date of the annexation that results in the transfer of territory, the districts shall agree on the selection of an arbitrator who shall decide the settlement amount, and send written notification of his or her decision to all parties, within 30 days after his or her appointment.

(c) A transfer of ownership under this subsection takes effect on the date on which a settlement is reached or the date on which an arbitrator sends written notification of his or her decision.

**(9)** (a) A political subdivision whose park facilities are included in a district may withdraw from the district as provided in this subsection if the governing body of the political subdivision no later than the 3rd Tuesday in February preceding a spring election, adopts a resolution declaring its intention to withdraw from the district and the withdrawal is approved by the electors of the political subdivision at a referendum held concurrently with the spring election.

(b) If the electors of a political subdivision whose park facilities are included within a district file a petition with the clerk of the district, not later than the 3rd Tuesday in February of any year, requesting a referendum on the question of withdrawal of the political subdivision from the district, the commission shall call a referendum in the political subdivision for the purpose of submitting the question of withdrawal to the electors of the political subdivision for approval or rejection. The referendum shall be held concurrently with the spring election.

(c) The question submitted to the electors shall be "Shall the ... (name of political subdivision) withdraw from the ... (name of district)?" If the electors approve the question, the political subdivision shall withdraw from the district.

(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.

(e) If a political subdivision withdraws from a district under this subsection, title to the park facilities that are located in the political subdivision shall be transferred from the district to the political subdivision or from which the facilities were transferred.

(f) If a political subdivision withdraws from a district under this subsection and the territory remaining in the district after the withdrawal does not consist of at least one political subdivision, the district shall dissolve under s. 27.165. If at least one political subdivision remains a part of the district after a political subdivision withdraws, the political subdivision that withdraws and the commission shall negotiate a settlement agreement to compensate that park district for the park facilities that are located in the political subdivision, based on at least all of the following factors:

1. The current value of park facilities that are transferred.
2. The amount of money or any other contribution made by the district for the park facilities that are transferred.
3. The amount of money or any other contribution made by the political subdivision municipality for the park facilities that are transferred.

(g) If the political subdivision and the district are unable to negotiate a settlement under par. (f) within 60 days after the commission approves the resolution under par. (a) or within 60 days after the resolution is approved in the referendum described under par. (b), the political subdivision and the district shall agree on the selection of an arbitrator who shall decide the settlement amount, and send written notification of his or her decision to all parties, within 30 days after his or her appointment.

(h) A withdrawal under this subsection takes effect on January 1 following the date on which a settlement is reached or the date on which an arbitrator sends written notification of his or her decision.

(10) (a) Whenever a political subdivision is attached to a district, a political subdivision withdraws from a district, or a former municipality becomes a part of a district by municipal consolidation, the terms of the members of the commission or political subdivision commissions of the affected district or districts shall expire on the first Monday in June of the year following the year in which the attachment, withdrawal, or municipal consolidation becomes effective. At the spring election immediately preceding the expiration of the terms of the commissioners, all members of the commission serving the revised district shall be elected in the same manner as members of initial commissions are elected under sub. (7) (b).

(b) Whenever territory is annexed to or detached from a political subdivision that is a part of a district on the effective date of the annexation or detachment, the commission shall, at its next meeting following the effective date of the annexation or detachment, attach or detach the annexed or detached territory to an election district that is contiguous to the annexed or detached territory in such manner as to maintain, in so far as practicable, election districts of substantially equal population. In conjunction with any action under this paragraph, the commission may adjust the boundaries of the remaining election districts within the district if required to maintain election districts of substantially equal population.

**SECTION 78.** 27.162 of the statutes is created to read:

**27.162 Local park districts; jurisdiction and expansion.** (1) The initial jurisdiction of a district shall consist of the territory of all of the sponsoring political subdivisions that have acted under s. 27.161 (1) and (2) and all of the participating

political subdivisions that have acted under s. 27.161 (3) in the same year, or within 90 days after the adoption of the first enabling legislation that is described in s. 27.161 (1).

(2) (a) With the approval of the commission, the jurisdiction of the district may be expanded to include any other political subdivision under procedures adopted by the commission and consistent with an agreement entered into between the commission and the political subdivision. Under the terms of the agreement, the assets of the political subdivision to be included in the expanded jurisdiction shall be treated in a substantially similar manner as the assets of all other political subdivisions in the district.

(b) The procedures for any expansion approved under par. (a) shall permit the governing body of a political subdivision to request inclusion of its park facilities in the district on its own resolution, and shall also permit the electors of a political subdivision to request inclusion in the district through a petition and referendum process.

(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.

(3) Eligible electors of a political subdivision included in the expanded jurisdiction of a district may vote for members of the board of directors at the first election occurring after the effective date of the expansion at which members of the board of directors are elected.

(4) If a referendum is held on the question of attachment of a political subdivision to an existing district, the question shall be submitted at the first regular election occurring not sooner than 45 days after the date that the governing body adopts a resolution submitting the question to a referendum and the commission approves that action. The question shall be "Shall the ... (name of political subdivision) become a part of the ... (name of district)?" If the question is approved by the electors, the governing body shall enter into an agreement with the commission under sub. (2) (a). The attachment becomes effective on the date specified in the agreement.

**SECTION 79.** 27.163 of the statutes is created to read:

**27.163 Local park districts; powers.** A district has all of the powers necessary or convenient to carry out the purposes and provisions of ss. 27.16 to 27.165. In addition to all other powers granted by ss. 27.16 to 27.165, a district may do all of the following:

- (1) Adopt and alter an official seal.
- (2) Sue and be sued in its own name, and plead and be impleaded.
- (3) Maintain an office.
- (4) In connection with park facilities:
  - (a) Acquire, develop, equip, maintain, improve, operate, and manage the park facilities.
  - (b) Enter into contracts, subject to such standards as may be established by the board of directors.
  - (c) Grant concessions.
  - (d) Operate recreational facilities or programs.



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

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

(7) Adopt and enforce reasonable rules and regulations governing the use of, and the conduct within, its park facilities and recreational facilities in order to promote public safety and convenience and to maintain order. 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.

(8) (a) To carry out its functions, by resolution levy a tax on the taxable property in the district, as equalized by the department of revenue under s. 70.57, except that no increase in the tax levy rate is effective until the resolution is approved by a majority of the electors in the political subdivision voting on the resolution at a referendum, to be held at the first regular election or special election held throughout the district that is held at least 45 days after the date of adoption of the resolution. The question submitted shall be whether the property tax levy for the district may be increased by a specified amount. The clerk of the district shall publish the notices required under s. 10.06 (4) (c), (f), and (i) for any referendum held under this

subsection. Notwithstanding s. 10.06 (4) (c), the type A notice under s. 10.01 (2) (a) relating to the referendum is valid even if given and published late as long as it is given and published prior to the election as early as practicable. If a board of directors adopts a resolution that increases the property tax levy for the district and the resolution is approved by the electors, the district clerk shall deliver a certified copy of the resolution to the secretary of revenue at least 30 days before its effective date. The tax levy shall be applied to the respective real property and personal property tax rolls of the city, village, town, and county included in the district and shall not be included within any limitation on county or municipality taxes. Collected taxes levied under this paragraph shall be paid to the district treasurer.

(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).

\*\*\*\*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.

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

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

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

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

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

(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.

**SECTION 80.** 27.164 of the statutes is created to read:

**27.164 Local park districts; powers and duties of, and limitations on, political subdivisions.** (1) Except as otherwise provided in this section, the governing bodies of each political subdivision that make up the jurisdiction of the district may not create a park or expend any funds to support a park or recreational facilities, or impose an impact fee under s. 66.0617 for park facilities, after the imposition of the taxes described under s. 27.163 (8).

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

(a) Make loans to a district upon terms that the political subdivision considers appropriate.

(b) Lease or transfer property to a district upon terms that the political subdivision considers appropriate.

**SECTION 81.** 27.165 of the statutes is created to read:

**27.165 Local park districts; dissolution.** (1) DISSOLUTION. In addition to a district being dissolved upon a withdrawal, as described in s. 27.161 (9), the commission may also vote to dissolve a district. If a district is dissolved, on the date the dissolution becomes effective all of the following apply:

(a) All assets and liabilities of the district shall be apportioned to, and become the assets and liabilities of, the sponsoring political subdivisions and the governing bodies of any political subdivisions that joined the district under s. 27.162.

(b) All positions of the district, and the incumbent employees occupying those positions, become positions and employees of the political subdivisions described under par. (a), as apportioned by the commission. Employees so transferred have all the rights under subch. I of ch. 63, subch. IV of ch. 111, s. 59.52 (8), and s. 66.0509 that they enjoyed as employees of the district. No employee so transferred who has attained permanent status in class is required to serve a probationary period.

(c) All tangible personal property of the district is transferred to the political subdivisions described under par. (a), as apportioned by the commission.

(d) All contracts entered into by the district remain in effect and are transferred to the political subdivisions described under par. (a), as apportioned by the commission. The political subdivisions shall carry out any obligations under such a contract until the contract is modified or rescinded by the political subdivisions, to the extent allowed under the contract.

(e) Any matter pending with the district is transferred to the political subdivisions described under par. (a), as apportioned by the commission and all

materials submitted to or actions taken by the district with respect to park and recreational functions are considered as having been submitted to or taken by the political subdivisions.

(f) In apportioning property under par. (c), the commission shall consider at least all of the following factors:

1. The current value of park facilities transferred by a political subdivision to a district.

2. The amount of money contributed to the district during its existence by a political subdivision under s. 27.163 (8).

3. The amount of any other contribution made by a political subdivision to a district, including any contribution that is made under s. 27.164 (2).

(2) ARBITRATION. In the event that a question arises concerning the application of <sup>sub. (i) or e</sup> s. 27.161 (6) or sub. (1) to any situation, the question shall be resolved by the arbitrator selected under the procedure in s. 27.161 (5) <sup>(b) 2.</sup> (e), subject to any applicable law.

**SECTION 82.** 30.277 (1b) (a) of the statutes is amended to read:

30.277 (1b) (a) "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 83.** 66.0301 (1) (a) of the statutes is amended to read:

66.0301 (1) (a) In this section "municipality" means the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district

created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, ~~a~~ local cultural arts district created under subch. V of ch. 229, local park district created under s. 27.161, family care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, or city-county health department.

**SECTION 84.** 66.0617 (1) (a) of the statutes is amended to read:

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

**SECTION 85.** 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 86.** 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 municipality or a local park district under this section.