

**SECTION 87.** 66.0617 (1) (d) of the statutes is amended to read:

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

**SECTION 88.** 66.0617 (1) (g) of the statutes is amended to read:

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

**SECTION 89.** 66.0617 (1) (h) of the statutes is amended to read:

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

**SECTION 90.** 66.0617 (2) (a) of the statutes is amended to read:

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

**SECTION 91.** 66.0617 (2) (am) of the statutes is created to read:

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

**SECTION 92.** 66.0617 (3) of the statutes is amended to read:

66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance or adopting a resolution that imposes impact fees, or amending an existing ordinance or resolution that imposes impact fees, a municipality or a local park district shall hold

a public hearing on the proposed ordinance or amendment. Notice of the public hearing shall be published as a class 1 notice under ch. 985, and shall specify where a copy of the proposed ordinance or amendment and the public facilities needs assessment may be obtained.

**SECTION 93.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution that imposes impact fees or amending an ordinance or resolution that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, a municipality or a local park district shall prepare a needs assessment for the public facilities for which it is anticipated that impact fees may be imposed. The public facilities needs assessment shall include, but not be limited to, the following:

**SECTION 94.** 66.0617 (4) (b) of the statutes is amended to read:

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

**SECTION 95.** 66.0617 (5) of the statutes is amended to read:

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

(b) An ordinance enacted or resolution adopted under this section may delineate geographically defined zones within the municipality or local park district and may impose impact fees on land development in a zone that differ from impact

fees imposed on land development in other zones within the municipality or local park district. The public facilities needs assessment that is required under sub. (4) shall explicitly identify the differences, such as land development or the need for those public facilities, which justify the differences between zones in the amount of impact fees imposed.

**SECTION 96.** 66.0617 (6) (intro.) of the statutes is amended to read:

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

**SECTION 97.** 66.0617 (6) (b) of the statutes is amended to read:

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

**SECTION 98.** 66.0617 (6) (h) of the statutes is created to read:

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

**SECTION 99.** 66.0617 (7) of the statutes is amended to read:

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

**SECTION 100.** 66.0617 (8) of the statutes is amended to read:

66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from each impact fee that is imposed shall be placed in a separate segregated interest-bearing account and shall be accounted for separately from the other funds of the municipality or local park district. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed, unless the fee is refunded under sub. (9).

**SECTION 101.** 66.0617 (9) of the statutes is amended to read:

66.0617 (9) (a) Subject to par. (b), an ordinance enacted or resolution adopted under this section shall specify that impact fees that are imposed and collected by a municipality or local park district but are not used within 7 years after they are collected to pay the capital costs for which they were imposed shall be refunded to the current owner of the property with respect to which the impact fees were imposed, along with any interest that has accumulated, ~~in~~ as described in sub. (8). The ordinance or resolution shall specify, by type of public facility, reasonable time periods within which impact fees must be spent or refunded under this subsection, subject to the 7-year limit in this paragraph and the extended time period specified in par. (b). In determining the length of the time periods under the ordinance, a municipality or local park district shall consider what are appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed.

(b) The 7-year time limit for using impact fees that is specified under par. (a) may be extended for 3 years if the ~~political subdivision~~ municipality or local park district adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the 7-year limit, it needs an additional 3 years to use the impact

fees that were collected. The resolution shall specify the extenuating circumstances or hardship that led to the need to adopt a resolution under this paragraph.

**SECTION 102.** 66.0617 (10) of the statutes is amended to read:

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

**SECTION 103.** 67.01 (5) of the statutes is amended to read:

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

**SECTION 104.** 70.11 (37m) of the statutes is created to read:

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

**SECTION 105.** 71.26 (1) (bm) of the statutes is amended to read:

71.26 (1) (bm) *Certain local districts.* Income of a local exposition district created under subch. II of ch. 229, a local professional baseball park district created under subch. III of ch. 229, a local professional football stadium district created

under subch. IV of ch. 229, ~~or~~ a local cultural arts district created under subch. V of ch. 229, or a local park district created under s. 27.161.

**SECTION 106.** 77.25 (18m) of the statutes is created to read:

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

**SECTION 107.** 77.54 (9a) (i) of the statutes is created to read:

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

**SECTION 108.** 350.01 (2m) of the statutes is created to read:

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

**SECTION 109.** 350.01 (9j) of the statutes is created to read:

350.01 (9j) "Local park district" means a local park district created under s. 27.161.

**SECTION 110.** 350.01 (11m) of the statutes is amended to read:

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

**SECTION 111.** 350.04 (3) (a) of the statutes is amended to read:

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

**SECTION 112.** 350.04 (3) (b) of the statutes is amended to read:

350.04 (3) (b) The county, town, city ~~or~~, village, or local park district shall post the provisions of par. (a) in a conspicuous place, readily accessible to all contestants

and spectators, and shall assist in locating and identifying persons responsible for injuries that may occur.

**SECTION 113.** 350.12 (4) (b) 1. of the statutes is amended to read:

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

**SECTION 114.** 350.12 (4) (b) 3. of the statutes is amended to read:

350.12 (4) (b) 3. Not more than \$30,000 for a route signing program of aids to cities, villages, towns ~~or~~, counties, or local park districts of up to ~~100%~~ 100 percent of the cost of initial signing of snowmobile routes which connect authorized snowmobile trails or which offer entrance to or exit from snowmobile trails leading to ~~such municipalities~~ the cities, village, towns, or counties. Aid may be provided under this subdivision to cities, villages, towns ~~and~~, counties and local park districts for up to ~~100%~~ 100 percent of the cost of placing signs developed under s. 350.108 (1)

(b) which briefly explain the intoxicated snowmobiling law along snowmobile routes. Applications and documentation shall be submitted to the department by April 15 of each year on forms prescribed by departmental rule.

**SECTION 115.** 350.12 (4) (bg) 1. of the statutes is amended to read:

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

**SECTION 116.** 350.12 (4) (bg) 2. of the statutes is amended to read:

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

**SECTION 117.** 350.12 (4) (bm) (intro.) of the statutes is amended to read:



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

**SECTION 118.** 350.12 (4) (bm) 1. of the statutes is amended to read:

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

**SECTION 119.** 350.12 (4) (bm) 2. of the statutes is amended to read:

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

**SECTION 120.** 350.12 (4) (br) of the statutes is amended to read:

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

**SECTION 121.** 350.138 (1) (d) of the statutes is amended to read:

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

**SECTION 122.** 350.138 (1) (f) of the statutes is amended to read:

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

**SECTION 123.** 350.18 (1) of the statutes is amended to read:

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

**SECTION 124. Effective dates.** This act takes effect on the January 1 following the date of publication, except as follows:

(1) The treatment of section 20.370 (5) (ct) (by SECTION 37) of the statutes takes effect on July 1, 2007, or the day after publication, whichever is later.

\*\*\*\*NOTE: This date must be advanced by one year if the bill is not enacted early in the session.

(END)

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

LRB-0220/P1dn  
JTK&CMH:lmk:pg

December 13, 2006

Senator Darling:

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

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

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

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**Duerst, Christina**

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**From:** Duerst, Christina  
**Sent:** Wednesday, December 13, 2006 3:40 PM  
**To:** 'John.Vandlik@OGC.USDA.GOV'  
**Subject:** LRB 07-0220/P1 ATTACHED

**Attachments:** 07-0220/P1; 07-0220/P1dn



07-0220P1.pdf  
(207 KB)



07-0220P1dn.pdf  
(10 KB)

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**Shovers, Marc**

**From:** John Vandlik [jrvandlik@wi.rr.com]  
**Sent:** Sunday, January 28, 2007 2:29 PM  
**To:** Shovers, Marc; Kreye, Joseph  
**Cc:** Hogan, John; John.VANDLIK@usda.gov  
**Subject:** RE: offset provision??  
**Attachments:** pddraftingdir0003.pdf

It occurred to me that I didn't offer any language for the tax levy offset provision which didn't make it into the prelim. draft. (See par. 6 of the previous drafting instructions, attached.) If you've already worked out such language for the new revised version than disregard this note. Otherwise, consider the following:

Sect. 79. Amend 27.163 to add a (c) to subdivision 8

"(8)(c). Notwithstanding any other provision of law, for that year in which there is an initial park district levy, each sponsoring political subdivision shall not levy a tax, for operational expenditures, that exceeds the lesser of: the amount of the previous year's operational tax levy as increased by a percent equal to the percent increase in the consumer price index during the 12 previous months less an amount equal to the initial park district levy; or, the amount of tax that may be levied for operational expenditures as allowed under state law, without need for referendum approval, for that year less an amount equal to the initial park district levy."

The first alternative limit is to recognize an inflation increase and the second option is to account for when there are state imposed tax levy limits (e.g. counties)

Any estimate on when the revised draft will be read? Thanks. --John 414-297-3276, [john.vandlik@usda.gov](mailto:john.vandlik@usda.gov), [jrvandlik@wi.rr.com](mailto:jrvandlik@wi.rr.com)

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**From:** John Vandlik [mailto:jrvandlik@wi.rr.com]  
**Sent:** Tuesday, January 16, 2007 10:19 PM  
**To:** 'marc.shovers@legis.wisconsin.gov'; 'joseph.kreye@legis.wisconsin.gov'  
**Cc:** 'john.hogan@legis.wisconsin.gov'  
**Subject:** comments on PD bill preliminary draft

This past weekend I was able to more thoroughly read the preliminary draft of the park district bill. Today, my wife had surgery, so while in the waiting room for hours, I drafted, longhand, my comments w/ suggested changes to the bill. I've scanned those comments into the attached document. Please review.

Also, I didn't find a provision in the prelim draft which provides that park districts would participate in WRS for their eligible employees. This was part of previous directions. In particular, such a mandate would be important especially for Milw Co., as any Milw Co. park district would greatly benefit from getting out from under the Milw Co. pension system in favor of the WRS. I was looking for reference to WSA 40.19 et seq. Is it handled in another way?

Please let me know if you have any questions on my comments or can't read my handwriting as scanned. I'm not sure that I'll be back in the office tomorrow, so you can reach me at home too. This is my home email as my remote office hook-up doesn't seem to be working tonight. Thanks --John Vandlik office 414-297-3276, home 414-963-4619.

CMH/RAC

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01/29/2007

## **Park District Enabling Legislation Provisions:**

Where necessary LRB draft ought to be revised to reflect the following provisions:

### **1. Procedures for creation of PD**

Created by either: 1) Resolution of governing body which would transfer park operations; or 2) Referendum, that is triggered by citizen petition, containing 100 signatures.

Units of local government, including municipalities and counties, may form park districts, without the law prescribing specific combinations of particular units.

Requirements related to timing of circulation of petition (which would trigger a referendum), should be such so as to allow filing of a petition triggering an April 2007 referendum, after the enabling law becomes effective by mid-February, 2007.

### **2. Dissolution of PD**

By referendum which is triggered either by: resolution of governing bodies which had created the district; or 2) citizen petition.

### **3. Expansion of PD boundaries after creation**

The law, itself, should specify procedure for expansion of park district boundaries, which include the following:

For a unit of government to be added to an existing park district, the community must evidence its consent by complying with the same procedures for initial creation of a park district, as specified in 1, above.

The existing park district commission gives its consent to the addition via a resolution passed by the park district commissioners.

### **4. Election of commissioners**

For park district that is approved with boundaries that serve a population not less than 500,000, 9 commissioners would be elected from election districts, of approximately equal population. The State Election Commission will determine the initial boundaries of the election district. Park district commissioners will conduct redistricting thereafter.

For park districts that are proposed to serve a population less than 500,000, the resolution, approving the park district, or petition for referendum, should specify the number of commissioners that will be elected, provided that number is not less than 5 and not more than 9. Additionally, the resolution or petition will specify how many commissioners will be elected by election district and/or how many, if any, will be elected at large

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District Office: N88 W16621 Appleton Avenue • Menomonee Falls, Wisconsin 53051

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These elected commissioners would serve without compensation but may be reimbursed actual expenses incurred in their service.

No person may run for or serve as a park district commissioner if that person holds another elected office.

If elected by election district, the commissioner must reside within the election district.

**5. Timing of park district approval, election of commissioners, initial levy, and transfer of assets and beginning park district management.**

Park districts gain title to transferred park property and receive transferred employees, effective the first January 1<sup>st</sup> after the following two actions take place: a referendum or resolution approving the Park District; and a subsequent election of Park District Commissioners.

After approval (via resolution or referendum), the initial operating levy of the park district will be levied, in the name of the park district, on property tax bills mailed in the December immediately prior to the January 1 transfer date. The park district would receive payments made under this levy.

Initial park district operating tax levy is set by statute in the amount which is the greater of: the total operating levy of transferring units of government attributable to expenditures for park and recreational purposes for the budget year during which the PD is authorized (by resolution or referendum); or the total operating levy of transferring units of government attributable to expenditures for park and recreational purposes for the budget year immediately prior to the budget year during which the PD is authorized.

**6. Offset in transferring units of government levy.**

For the budget year that the park district is effective, the transferring units of government must impose an operating tax levy which is less than the previous levy in an amount equal to the initial operating levy of the park district.

**7. Transferable Liabilities Defined**

**Employees -**

The current employees engaged in the work of the jurisdictions to become a Park District would become employees of the newly created Park District. The Park District Commission would recognize any union affiliations of its workers at the time of its creation and will continue wage rates and working conditions contained in the prior collective bargaining agreement for at least 1 year, as initial levy reflects operating budget including those salaries.

As employees of the new district the workers would participate in the State's retirement fund for local employees (WRS) immediately upon their employment as employees of the district. \*The State assumption of Milwaukee County foster care, etc. and transferring Assistant District Attorneys to the State payroll are precedents that may provide helpful language.

**Debt Obligation -**

Newly created Park Districts would not be liable for any retirement or healthcare liabilities related to employees that retire/retired prior to the first day of operation of the Park District. Those liabilities would accrue to the jurisdictions that these employees retire from.

O = agreement

Bonded debt incurred by former jurisdictions for park related improvements prior to creation of a Park District would continue to be retired by the former jurisdictions and not passed on to the Park District. Park district would have authority to fund post-transfer new debt through bonds and impose tax levy to meet debt service.

### AREAS IN NEED OF AGREEMENT - Same as last time -

1. Limits on ability of park district to increase operating property tax levy, with escape clause for supermajority of park commissioners or public referendum. *LRB*

2. Limits on ability to incur bonded debt (e.g. capital budget in excess of certain percentage or amount, needs referendum approval) *see as 4 = No No real limits*

3. Authority for the PD to impose user fees and prescribe disparate resident versus non-resident fees (see IL PD Act as e.g.) *OK*

4. Statutory management purposes of park district. (Some concepts that may need to be addressed are: limit to recognized well accepted public park uses to discourage facilities like malls or amusement parks; and give preservation/restoration of natural areas equal footing with active park uses.) *OPEN*

5. Authority to prescribe user rules & regulations, enforceable with specified fine amount (e.g. \$500) or restitution. *see as 4 - OK - minor for Co. independently*

6. Provision requiring hiring of a professionally qualified parks director. (to ensure political accountability of PD commissioners is balanced with professional expertise of day to day parks manager - no political chronies!) *OK*

7. Judicial review of park district decisions to circuit court with deferential standard. *OK*

*OK* *\$25K* *1/10* *look* *G* *log*