



S.D. Note
State of Wisconsin
2007 - 2008 LEGISLATURE

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FRIDAY

FMA

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to repeal* 23.09 (26) (am) 4.; *to renumber* 23.305 (1) (a) to (i); *to*
2 *renumber and amend* 23.09 (26) (a); *to amend* 5.02 (5), 5.02 (21), 5.15 (1) (c),
3 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
4 (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
5 (4) (d), 9.10 (7), 10.05, 10.07 (1), 11.26 (1) (d) 2., 11.26 (2) (e) 2., 11.31 (1) (h)
6 (intro.), 17.13 (intro.), 17.13 (3), 20.370 (5) (cr), 20.370 (5) (ct), 20.370 (5) (ct),
7 20.370 (5) (cu), 23.09 (19) (a) 2., 23.09 (20) (ab) 2., 23.09 (20m) (a) 1., 23.09 (26)
8 (title), 23.09 (26) (am) (intro.), 23.09 (26) (am) 1., 23.09 (26) (am) 3., 23.09 (26)
9 (b), 23.09 (26) (d), 23.175 (1) (a), 23.305 (1) (intro.), 23.305 (2), 23.33 (8) (c), 23.33
10 (9) (c), 23.33 (11) (a), 25.50 (1) (d), 27.01 (3), 27.02 (1), 27.03 (2), 27.05 (intro.),
11 27.06, 27.075 (1), 27.075 (2), 27.075 (3), 27.075 (4), 27.08 (1), 27.08 (3), 30.277
12 (1b) (a), 66.0301 (1) (a), 66.0617 (1) (a), 66.0617 (1) (c), 66.0617 (1) (d), 66.0617
13 (1) (g), 66.0617 (1) (h), 66.0617 (2) (a), 66.0617 (3), 66.0617 (4) (a) (intro.),
14 66.0617 (4) (b), 66.0617 (5), 66.0617 (6) (intro.), 66.0617 (6) (b), 66.0617 (7),
15 66.0617 (8), 66.0617 (9), 66.0617 (10), 67.01 (5), 71.26 (1) (bm), 350.01 (11m),

1 350.04 (3) (a), 350.04 (3) (b), 350.12 (4) (b) 1., 350.12 (4) (b) 3., 350.12 (4) (bg) 1.,
2 350.12 (4) (bg) 2., 350.12 (4) (bm) (intro.), 350.12 (4) (bm) 1., 350.12 (4) (bm) 2.,
3 350.12 (4) (br), 350.138 (1) (d), 350.138 (1) (f) and 350.18 (1); and **to create** 5.15
4 (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
5 (8), 17.01 (11m), 17.27 (1f), 23.09 (26) (ac), 23.09 (26) (am) 3m., 23.09 (26) (ar),
6 23.09 (26) (bg), 23.09 (26) (h), 23.305 (1) (am), 23.33 (1) (im), 27.16, 27.161,
7 27.162, 27.163, 27.164, 27.165, 66.0617 (1) (am), 66.0617 (2) (am), 66.0617 (6)
8 (h), 70.11 (37m), 77.25 (18m), 77.54 (9a) (i), 350.01 (2m) and 350.01 (9j) of the
9 statutes; **relating to:** authorizing the creation of local park districts,
10 authorizing a local park district to levy a property tax, authorizing a local park
11 district to apply for funding from certain programs administered by the
12 Department of Natural Resources, and authorizing a local park district to
13 impose impact fees and issue debt.

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, 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.

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

- 1 **SECTION 1.** 5.02 (5) of the statutes is amended to read:
- 2 5.02 (5) "General election" means the election held in even-numbered years on
- 3 the Tuesday after the first Monday in November to elect United States senators,
- 4 representatives in congress, presidential electors, state senators, representatives to
- 5 the assembly, district attorneys, state officers other than the state superintendent
- 6 and judicial officers, and county officers other than supervisors and county

1 executives, and in local park districts, to elect initial local park district
2 commissioners.

3 **SECTION 2.** 5.02 (21) of the statutes is amended to read:

4 5.02 (21) "Spring election" means the election held on the first Tuesday in April
5 to elect judicial, educational and municipal officers, nonpartisan county officers and,
6 sewerage commissioners, and local park district commissioners. ✓

7 **SECTION 3.** 5.15 (1) (c) of the statutes is amended to read:

8 5.15 (1) (c) The wards established by municipal governing bodies under this
9 section on the basis of the published results of each federal decennial census of
10 population shall govern the adjustment of supervisory districts under s. 59.10 (2) (a)
11 and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local
12 elections beginning on January 1 of the 2nd year commencing after the year of the
13 census until revised under this section on the basis of the results of the next
14 decennial census of population unless adjusted under sub. (2) (f) 4. or 5., (6) (a), or
15 (7), or unless adjusted, as a matter of statewide concern, in the enactment of
16 legislative districts under article IV, section 3, of the constitution on the basis of the
17 most recent decennial census of population.

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

19 5.15 (2) (f) 5. That part of a local park district required to create an election
20 district under s. 27.161 (7) (b) 1. that has a population which is, as nearly as
21 practicable, equal to other election districts in the local park district. ✓

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

23 5.58 (1u) LOCAL PARK DISTRICT COMMISSIONERS. Except as authorized in s. 5.655,
24 there shall be a separate ballot for the election of commissioners of any local park
25 district. Arrangement of the names on the ballot shall be determined by the local

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

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

5 5.58 (3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent,
6 for any judicial office, or for any elected seat on a metropolitan sewerage commission
7 or town sanitary district commission; in counties having a population of 500,000 or
8 more only 2 candidates for member of the board of supervisors within each district;
9 in counties having a population of less than 500,000 only 2 candidates for each
10 member of the county board of supervisors from each district or numbered seat or
11 only 4 candidates for each 2 members of the county board of supervisors from each
12 district whenever 2 supervisors are elected to unnumbered seats from the same
13 district; in 1st class cities only 2 candidates for any at-large seat and only 2
14 candidates from any election district to be elected to the board of school directors;
15 in school districts electing school board members to numbered seats, or pursuant to
16 an apportionment plan or district representation plan, only 2 school board
17 candidates for each numbered seat or within each district; in a local park district,
18 twice as many candidates as are to be elected commissioner within each of the
19 election districts and from the district at large; and twice as many candidates as are
20 to be elected members of other school boards or other elective officers receiving the
21 highest number of votes at the primary shall be nominees for the office at the spring
22 election. Only their names shall appear on the official spring ballot.

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

24 5.60 (6u) LOCAL PARK DISTRICT COMMISSION. Except as authorized in s. 5.655, a
25 separate ballot shall list the names of all candidates for commissioner of any local

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

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

6 5.68 (2) Except as otherwise expressly provided, all costs for ballots, supplies,
7 notices, and any other materials necessary in preparing or conducting any election
8 shall be paid for by the county or municipality whose clerk or board of election
9 commissioners is responsible for providing them. If a ballot is prepared for a school,
10 technical college, sewerage or, sanitary, or local park district, the district shall pay
11 for the cost of the ballot. If no other level of government is involved in a school,
12 technical college, sewerage or, sanitary, or local park district election, the district
13 shall pay for all costs of the ballots, supplies, notices, and other materials. If ballots,
14 supplies, notices, or other materials are used for elections within more than one unit
15 of local government, the costs shall be proportionately divided between the units of
16 local government involved in the election. In a 1st class city, all costs otherwise
17 attributable to a school district shall be paid by the city.

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

19 5.68 (3) If voting machines are used or if an electronic voting system is used
20 in which all candidates and referenda appear on the same ballot, the ballots for all
21 national, state and county offices and for county and state referenda shall be
22 prepared and paid for by the county wherein they are used. If the voting machine
23 or electronic voting system ballot includes a municipal or a school, technical college,
24 sewerage, local park, or sanitary district ballot, the cost of that portion of the ballot

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

3 **SECTION 10.** 7.10 (1) (a) of the statutes is amended to read:

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

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

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

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

19 7.51 (3) (d) Except in municipalities where absentee ballots are canvassed
20 under s. 7.52, all absentee certificate envelopes which have been opened shall be
21 returned by the inspectors to the municipal clerk in a securely sealed carrier
22 envelope which is clearly marked "used absentee certificate envelopes". The
23 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
24 the ballots are used in a municipal ~~or~~, school district, or local park district election
25 only, the municipal clerk shall transmit the used envelopes to the county clerk.

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

2 7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her,
3 immediately after the votes are tabulated or counted at each election, shall report
4 the returns of the election to the municipal clerk ~~or~~, to the school district clerk for
5 school district elections, except in 1st class cities, or to the local park district clerk
6 for local park district elections. The clerk shall then make the returns public.

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

8 7.51 (5) (a) 2. After recording the votes, the inspectors shall seal in a carrier
9 envelope outside the ballot bag or container one tally sheet and one poll list for
10 delivery to the county clerk, unless the election relates only to municipal ~~or~~, school
11 district, or local park district offices or referenda.

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

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

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

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

14 7.53 (3m) LOCAL PARK DISTRICT ELECTIONS. The local park district clerk shall
15 appoint 2 qualified electors of the district prior to the date of the election being
16 canvassed, who shall, with the clerk, constitute the local park district board of
17 canvassers. The clerk shall appoint another qualified elector of the district to fill any
18 vacancy on the board of canvassers. If the clerk's office is vacant or the clerk cannot
19 perform his or her duties, the chairperson of the local park district commission shall
20 designate another qualified elector of the district to serve in lieu of the clerk. The
21 canvass shall begin as soon as possible after receipt of the returns and shall continue,
22 without adjournment, until completed. The board of canvassers may return
23 defective returns to the municipal board of canvassers in the manner provided in s.
24 7.60 (3). The board of canvassers shall prepare a written statement showing the
25 numbers of votes cast for each person for each office and shall prepare a

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

7 **SECTION 16.** 8.10 (3) (kw) of the statutes is created to read:

8 8.10 (3) (kw) For commissioners of local park districts who are elected at large,
9 not less than 40 nor more than 200 electors, and for commissioners of local park
10 districts who are elected from election districts, not less than 200 nor more than 400
11 electors in local park districts of 500,000 population or more, and not less than 20 nor
12 more than 100 electors in districts of less than 500,000 population.

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

14 8.10 (6) (e) For members of the local park district commission, with the local
15 park district clerk.

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

17 8.11 (2f) LOCAL PARK DISTRICT COMMISSION. A primary shall be held in a local
18 park district whenever there are more than twice the number of candidates to be
19 elected members of the local park district commission at large or from any election
20 district. ✓

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

22 9.10 (1) (a) The qualified electors of the state,; of any county, city, village, or
23 town,; of any congressional, legislative, judicial, or school district,; of any local park
24 district or election district thereof; ✓ or of any prosecutorial unit may petition for the
25 recall of any incumbent elective official by filing a petition with the same official or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **10.05 Posting of notice.** Unless specifically designated elsewhere, this
18 section applies to villages, towns and, school districts, and local park districts.

19 Whenever a notice is required to be published, a village, town or, school district, or
20 local park districts may post 3 notices in lieu of publication under ch. 985 whenever

21 there is not a newspaper published within the village, town or, school district, or local
22 park districts or whenever the governing body of the village, town or, school district,

23 or local park districts chooses to post in order to supplement notice provided in a
24 newspaper. Whenever the manner of giving notice is changed by the governing body,

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

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

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

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

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

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

17 **SECTION 28.** 11.26 (1) (d) 2. of the statutes is amended to read:

18 11.26 (1) (d) 2. One cent times the number of inhabitants of the jurisdiction ~~or,~~
19 district, or election district, according to the latest federal census or the census
20 information on which the district is based, as certified by the appropriate filing
21 officer, but not more than \$3,000.

22 **SECTION 29.** 11.26 (2) (e) 2. of the statutes is amended to read:

23 11.26 (2) (e) 2. Three-fourths of one cent times the number of inhabitants of
24 the jurisdiction ~~or, district, or election district~~, according to the latest federal census

1 or the census information on which the district is based, as certified by the
2 appropriate filing officer, but not more than \$2,500.

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

4 11.31 (1) (h) (intro.) Candidates for any local office, who are elected from a
5 jurisdiction ~~or~~, district, or election district with less than 500,000 inhabitants
6 according to the latest federal census or census information on which the district is
7 based, as certified by the appropriate filing officer, an amount equal to the greater
8 of the following: ✓

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

10 17.01 (11m) By a commissioner of a local park district, to the local park district
11 commission. ✓ The local park district commission shall immediately give a copy of each
12 resignation under this subsection ~~to the elections board and to the chief executive~~
13 ~~officer~~ ^{clerk or board of election commissioners} of each municipality that has territory within the jurisdiction of the district.

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

15 **17.13 Removal of village, town, town sanitary district, school district,**
16 **technical college and family care district, and local park district officers.**

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

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

21 17.13 (3) ALL OFFICERS. Any village, town, town sanitary district, school district
22 ~~or~~, technical college district, or local park district officer, elective or appointive,
23 including those embraced within subs. (1) and (2), by ~~the~~ a judge of the circuit court
24 of ~~the~~ a circuit wherein the village, town, town sanitary district, school district ~~or~~,
25 technical college district, or local park district is situated, for cause. ✓

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

2 17.27 (1f) LOCAL PARK DISTRICT COMMISSION. Except as provided in s. 9.10, a
3 vacancy in the office of commissioner of a local park district may be filled for the
4 residue of the unexpired term by temporary appointment of the remaining members
5 of the local park district commission. ✓ If the vacancy occurs in any year after the first
6 Tuesday in April and on or before December 1, the vacancy shall be filled for the
7 residue of the unexpired term, if any, at the next spring election. If the vacancy
8 occurs in any year after December 1 or on or before the first Tuesday in April, the
9 vacancy shall be filled for the residue of the unexpired term, if any, at the 2nd
10 succeeding spring election. ✓

11 **SECTION 35.** 20.370 (5) (cr) of the statutes is amended to read:

12 20.370 (5) (cr) *Recreation aids — county snowmobile trail and area aids.* As
13 a continuing appropriation, the amounts in the schedule from the snowmobile
14 account in the conservation fund to provide state aid to counties and local park
15 districts, as defined in s. 350.01 (2m), for snowmobile trails, facilities, and areas
16 consistent with the requirements of ss. 23.09 (26) and 350.12 (4) (b). ✓

17 **SECTION 36.** 20.370 (5) (ct) of the statutes, as affected by 2005 Wisconsin Act
18 25 by section 247c, is amended to read:

19 20.370 (5) (ct) *Recreation aids — all-terrain vehicle project aids; gas tax*
20 *payment.* As a continuing appropriation, the sum of an amount equal to the
21 estimated all-terrain vehicle gas tax payment and an amount equal to the amount
22 lapsed to the conservation fund on July 1, 2005, from the appropriation account
23 under s. 20.370 (5) (cv), 2003 stats., to provide aid to towns, villages, cities, counties,
24 local park districts, as defined in s. 23.33 (1) (im), and federal agencies for nonstate
25 all-terrain vehicle projects.

1 **SECTION 37.** 20.370 (5) (ct) of the statutes, as affected by 2005 Wisconsin Act
2 25 by section 247g and 2005 Wisconsin Act ... (this act), is amended to read:

3 20.370 (5) (ct) *Recreation aids — all-terrain vehicle project aids; gas tax*
4 *payment.* As a continuing appropriation, an amount equal to the estimated
5 all-terrain vehicle gas tax payment to provide aid to towns, villages, cities, counties,
6 local park districts, as defined in s. 23.33 (1) (im), and federal agencies for nonstate
7 all-terrain vehicle projects.

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

9 20.370 (5) (cu) *Recreation aids — all-terrain vehicle project aids.* As a
10 continuing appropriation, the amounts in the schedule from moneys received from
11 all-terrain vehicle fees under s. 23.33 (2) (c) to (e) and (2j) to provide aid to towns,
12 villages, cities, counties, local park districts, as defined in s. 23.33 (1m), and federal
13 agencies for nonstate all-terrain vehicle projects.

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

15 23.09 (19) (a) 2. “Governmental unit” means a city, a village, a town, a county,
16 a local park district created under s. 27.161, a lake sanitary district, as defined in s.
17 30.50 (4q), a public inland lake protection and rehabilitation district, or the Kickapoo
18 reserve management board.✓

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

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

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

23 23.09 (20m) (a) 1. “Governmental unit” means a city, a village, a town, a county,
24 a local park district created under s. 27.161, or the Kickapoo reserve management
25 board.

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

2 23.09 (26) (title) ~~AIDS TO COUNTIES~~ COUNTY AID FOR SNOWMOBILE PURPOSES.

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

5 23.09 (26) (g) ~~The procedures in sub. (11) (a), (d), (e) and (f) shall apply to this~~
6 ~~subsection except that the~~ The department shall consult with the snowmobile
7 recreational council before adopting snowmobile trail construction standards, ~~the~~
8 ~~restriction in sub. (11) (a) as to county lands is not applicable, the restriction in sub.~~
9 ~~(11) (d) as to encumbrance of funds is not applicable and the restriction in sub. (11)~~
10 ~~(e) as to requests for state aids exceeding available funds is not applicable.~~ ✓

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

12 23.09 (26) (ac) In this subsection:

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

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

16 23.09 (26) (am) (intro.) Counties and local park districts may receive aids under
17 this subsection distributed in accordance with s. 350.12 (4) to do any of the following: ✓

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

19 23.09 (26) (am) 1. Purchase lands or secure easements, leases, permits, or other
20 appropriate agreements, written or oral, permitting use of private property for
21 snowmobile trails, facilities, ✓ and areas, if such the easements, leases, permits, ✓ or
22 other agreements provide public access to the trail, facility, ✓ or area. No lands
23 purchased or leases, easements, permits, or agreements secured under authority of
24 this section subsection may be acquired by the county through condemnation.
25 Counties and local park districts shall certify to the department that such the lands,

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

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

9 23.09 (26) (am) 3. Develop and maintain snowmobile trails, facilities, and areas ✓
10 on public lands designated by the county ~~board or trails or areas under subd. 1. or~~
11 ~~2 or by the local park district.~~ ✓

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

13 23.09 (26) (am) 3m. Develop and maintain snowmobile trails, facilities, and
14 areas under subd. 1. or 2. ✓

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

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

17 23.09 (26) (ar) Counties may receive aids under this subsection distributed in
18 accordance with s. 350.12 (4) to enforce laws in and on snowmobile trails, facilities,
19 and areas. ✓

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

21 23.09 (26) (b) ~~The county board of any county, which, by resolution, indicates~~
22 ~~its desire~~ Any county or any local park district that wishes to receive aids under this
23 subsection shall apply to the department on forms prescribed by the department and
24 submit required documentation as set forth promulgated by rule on or before April ✓

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

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

4 23.09 (26) (bg) The department shall review the aid application as it considers
5 necessary to determine whether the approval of the application will best serve the
6 public interest and need. In making its decision, the department shall give careful
7 consideration to whether the proposal is an integral part of an official comprehensive
8 land and water use plan for the area as well as the relationship of the proposal to
9 similar proposals on other public lands.

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

11 23.09 (26) (d) Distribution of snowmobile trail development funds shall be
12 limited to trails which provide a primary access route through one county and
13 connect with another county's trails, provide access from population centers to main
14 access trails or support a high volume of use. Counties and local park districts
15 applying for aid for snowmobile trail development shall identify the type of trail for
16 which aid is being sought on the forms under par. (b).

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

18 23.09 (26) (h) Trails, areas, facilities, or other structures for which aid granted
19 under this subsection is provided may not be converted to uses that are inconsistent
20 with the purposes of this subsection without the approval of the department. The
21 department shall not grant approval unless there is evidence that these uses are
22 essential to and in accordance with an official comprehensive land and water use
23 plan for the area. The department shall require that the proceeds from the sale or
24 other disposal of trails, areas, facilities, or other structures for which aid is provided
25 under this subsection be used to further the purposes of this subsection.

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

2 23.175 (1) (a) "Political subdivision" means a city, a village, a town or a county,
3 or a local park district created under s. 27.161.

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

5 23.305 (1) (intro.) In this section, ~~"spectator sports":~~

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

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

10 1. to 9.

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

12 23.305 (1) (am) "Local park district" means a local park district created under
13 s. 27.161 but not with the participation of any city. ✓

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

15 23.305 (2) Notwithstanding ss. 23.30 and 28.04, the department may lease
16 state park land or state forest land to towns, villages or counties, or local park
17 districts for outdoor recreational purposes associated with spectator sports. ✓

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

19 23.33 (1) (im) "Local park district" means a local park district created under
20 s. 27.161. ✓

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

22 23.33 (8) (c) *Trails.* A town, a village, a city, a county, or a local park district
23 or the department may designate corridors through land which it owns or controls,
24 or for which it obtains leases, easements or permission, for use as all-terrain vehicle
25 trails.

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

2 23.33 (9) (c) *Signs.* In addition to the projects listed in par. (b), the department
3 may provide aid under this subsection to a town, village, city or, county, or local park
4 district for up to ~~100%~~ 100 percent of the cost of placing signs developed under sub.
5 (4z) (a) 2. ✓

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

7 23.33 (11) (a) ~~Counties, towns, cities and villages~~ A county, city, town, or village
8 may enact ordinances regulating all-terrain vehicles on all-terrain vehicle trails
9 ~~maintained by or on all-terrain vehicle routes designated by~~ under the jurisdiction
10 of the county, city, town, or village.

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

12 25.50 (1) (d) "Local government" means any county, town, village, city, power
13 district, sewerage district, drainage district, town sanitary district, public inland
14 lake protection and rehabilitation district, local professional baseball park district
15 created under subch. III of ch. 229, family care district under s. 46.2895, local
16 professional football stadium district created under subch. IV of ch. 229, local
17 cultural arts district created under subch. V of ch. 229, local park district created
18 under s. 27.161, public library system, school district or technical college district in
19 this state, any commission, committee, board, or officer of any governmental
20 subdivision of this state, any court of this state, other than the court of appeals or the
21 supreme court, or any authority created under s. 114.61, 231.02, 233.02, ✓ or 234.02.

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

23 27.01 (3) **TRANSFER OF STATE PARK LAND TO MUNICIPALITIES.** The department may
24 not transfer the ownership of any state park or land within any state park to any
25 county, city, village or, town, county, or local park district created under s. 27.161

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

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

6 27.02 (1) Except as provided under sub. (2) and except in counties that are part
7 of a local park district created under s. 27.161,[✓] in every county with a population of
8 at least 150,000, but less than 500,000, and in any other county with a population
9 of less than 150,000 wherein the county board has by resolution provided for a county
10 park commission subject to ss. 27.02 to 27.06, the chairperson of the county board
11 shall appoint a county park commission consisting of 7 members, any number of
12 which may be members of the county board. The appointments shall be made in
13 writing and filed in the office of the county clerk. The term of each member, except
14 county board members, is 7 years following July 1 of the year in which the
15 appointment is made and until the appointment and qualification of a successor,
16 except that the first 7 members shall be appointed respectively for such terms that
17 on July 1 in each of the 7 years following the year in which they are appointed the
18 term of one member will expire. After the original appointments one commissioner
19 shall be appointed annually in the month of June to succeed the member whose term
20 will expire on July 1 following, except that in counties with a population of at least
21 150,000 but less than 500,000 the members shall be elected by the county board of
22 supervisors. The term of any park commissioner appointed to the commission while
23 serving as a county board member shall end when the commissioner's membership
24 on the county board terminates, unless thereafter reappointed to the commission.

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

1 27.03 (2) In any county with a county executive or a county administrator, other
2 than in a county that is part of a local park district created under s. 27.161, the county
3 executive or county administrator shall appoint and supervise a general manager of
4 the park system. The appointment shall be subject to confirmation by the county
5 board unless the county board, by ordinance, elects to waive confirmation or unless
6 the appointment is made under a civil service system competitive examination
7 procedure established under s. 59.52 (8) or ch. 63. In any county with a population
8 of 500,000 or more, the general manager of the park system shall be in the
9 unclassified civil service and is subject to confirmation by the county board unless
10 the county board, by ordinance, elects to waive confirmation.

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

12 **27.05 Powers of commission or general manager.** (intro.) The Except in
13 a county that is part of a local park district created under s. 27.161, the county park
14 commission, or the general manager in counties with a county executive or county
15 administrator, shall have charge and supervision of all county parks and all lands
16 acquired by the county for park or reservation purposes. The county park
17 commission or general manager, subject to the general supervision of the county
18 board and regulations prescribed by the county board, except as provided under s.
19 27.03 (2), may do any of the following:

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

21 **27.06 Mill-tax appropriation.** The Except in a county that is part of a local
22 park district created under s. 27.161, the county board may annually, at the same
23 time that other county taxes are levied, levy a tax upon the taxable property of such
24 county for the purchase of land and the payment of expenses incurred in carrying on

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

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

4 27.075 (1) The Except in a county that is part of a local park district created
5 under s. 27.161, the county board of any county with a population of less than 500,000
6 is hereby vested with all powers of a local, legislative, and administrative character
7 for the purpose of governing, managing, controlling, improving, and caring for public
8 parks, parkways, boulevards, and pleasure drives; and to carry out these powers in
9 districts which it may create for different purposes, or throughout the county, and for
10 such purposes to levy county taxes, to issue bonds, assessment certificates, and
11 improvement bonds, or any other evidence of indebtedness. The powers hereby
12 conferred under this section may be exercised by the county board in any town, city
13 ~~or village~~ city, village, or town, or part thereof located in such the county upon the
14 request of any such ~~town, city or village~~ city, village, or town, evidenced by a
15 resolution adopted by a majority vote of the members-elect of its governing body,
16 designating the particular park function, duty, or act, and the terms, if any, upon
17 which the same shall be exercised by the county board. Such The resolution shall
18 state whether the authority or function is to be exercised exclusively by the county
19 or jointly by the county and the ~~town, city or village~~ city, village, or town, and shall
20 also state that the exercise of such the power by the county is in the public interest.
21 Upon the receipt of the resolution, the county board may, by a resolution adopted by
22 a majority vote of its membership, elect to assume the exercise of such the authority
23 or function, upon the terms and conditions set forth in the resolution presented by
24 the ~~town, city or village~~ city, village, or town. A city, village, or town that wishes to
25 create or participate in a local park district under s. 27.161, or terminate its

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local park

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

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

5 27.075 (2) The county board of any such county, or the commission of a district
6 created under s. 27.161, may, by a resolution adopted by a majority of its
7 membership, propose to the ~~towns, cities and villages~~ cities, villages, and towns
8 located in such the county, or any of them, that it offers to exercise such the powers
9 and functions therein in order that are necessary to consolidate municipal park
10 services and functions in said the county. Such The resolution shall designate the
11 particular function, duty, or act and the terms and conditions, if any, upon which the
12 county board or district will perform the same. The powers conferred in sub. (1) and
13 designated in such the resolution may thereafter be exercised by the county board,
14 or commission, in each such town, city or village which shall accept such city, village,
15 or town which accepts the proposal by the adoption of a resolution by a majority vote
16 of the members-elect of its governing body, except that no governing body may accept
17 any proposal described under this subsection unless it contains a provision under
18 which the city, village, or town may terminate its agreement with the county or the
19 district so that the city, village, or town may create or participate in a local park
20 district under s. 27.161. ✓

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

22 27.075 (3) After the adoption of resolutions by the county board, ~~the county~~
23 ~~board shall have full power to~~ or the commission as defined in s. 27.16 (2), the board
24 or commission may legislate upon and administer the entire subject matter
25 committed to it, and among other things, to and may determine, where not otherwise

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

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

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

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

2 27.08 (1) Every city that is not part of a local park district created under s.
3 27.161 may by ordinance create a board of park commissioners subject to this section,
4 or otherwise as provided by ordinance. ~~Such, and if the city has a board of park~~
5 commissioners the city shall terminate that board and end the board's authority
6 under this section upon the city's creation of or participation in a local park district
7 under s. 27.161. The board shall be organized as directed by the common council
8 shall provide.

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

10 27.08 (3) ~~In any city having no~~ If a city does not have a board of park
11 commissioners ~~its~~ and is not part of a local park district created under s. 27.161, the
12 city's public parks, parkways, boulevards, and pleasure drives shall be under the
13 charge of its board of public works, if it has such last named board; otherwise or, if
14 it does not have such a board, under the charge of its common council. When so in
15 charge, the board of public works or the common council may exercise all of the
16 powers of a board of park commissioners. Upon a city's creation of or participation
17 in a local park district under s. 27.161, the city's board of public works or common
18 council may not exercise any authority under this section.

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

20 **27.16 Local park districts; definitions.** In ss. 27.16 to 27.165:

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

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

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

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

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

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

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

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

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

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

17 (a) A municipality that creates a ✓ district ^{on its own or} in combination with another
18 municipality or county.

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

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

22 **27.161 Local park districts; creation, organization, and**
23 **administration.** (1) Subject to sub. (5), one or more political subdivisions may
24 create a special purpose district that is a unit of government, that is a body corporate
25 and politic, that is separate and distinct from, and independent of, the state and the

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

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

5 1. Declares the need for establishing the district. ✓

6 2. Contains findings of public purpose. ✓

7 3. Contains a description of the boundaries of the proposed district. ✓

8 4. If the sponsoring political subdivision is a municipality, declares an intention
9 to negotiate with a county the termination of any agreement entered into under s.
10 27.075 (1), (2), or (4).

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

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

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

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

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

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

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

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

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

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

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

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

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

16 1. An enabling resolution is adopted in one or more political subdivisions under
17 sub. ✓(1), or a referendum question is approved in one or more political subdivisions
18 under sub. ✓(3). ✓ (4)

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

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

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

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

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

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

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

12 (b) All employees of the political subdivision having functions related to parks
13 and recreation become employees of the district. ✓ Employees so transferred have all
14 the rights under s. 59.52 (8) or 66.0509 or subch. I of ch. 63, that they enjoyed as
15 employees of the political subdivision. The district shall honor the terms of the
16 employees' collective bargaining agreements to the extent allowed by law. No
17 employee so transferred who has attained permanent status in class is required to
18 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. ✓

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

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

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

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

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

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

12 2. In counties having a population of 500,000 or more, the commission shall
13 consist of 9 members who shall be elected from election districts within the district. ✓

14 In districts located wholly or partly within other counties, the commission shall
15 consist of not more than 9 members and not fewer than 5 members. ✓

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

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

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

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

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

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

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

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

6 (e) 1. Except as provided in this paragraph, the terms of the commissioners
7 shall be 3 years, beginning on the first Monday in June following their election to
8 office. ~~When a district is created,~~ *The clerk of the most populous political subdivision whose park facilities are included in the district shall designate*
9 to office ~~shall expire~~ *for expiration* on the first Monday in June of the year following that year; the
10 terms of one-third of the initial persons elected to office ~~shall expire~~ *for expiration* on the first
11 Monday in June of the 2nd year following that year; and the terms of one-third of
12 the persons elected to office ~~shall expire~~ *for expiration* on the first Monday in June of the 3rd year
13 following that year. If the number of commissioners is not divisible by 3, the clerk
14 of the most populous political subdivision whose park facilities are included in the
15 district shall designate the number of commissioners, as nearly equal to one-third
16 as possible, whose initial terms shall expire in the following year, the 2nd following
17 year, and the 3rd following year. ✓

18 2. If the commissioners are initially elected at the general election, the terms
19 of office of the initial persons elected to office shall begin on the 2nd Monday in
20 January. If the commissioners are initially elected at the general election in any year,
21 the terms of one-third of the initial persons elected to office ~~shall expire~~ *for expiration* on the first
22 Monday in June of the 2nd year following that year; the terms of one-third of the
23 initial persons elected to office ~~shall expire~~ *for expiration* on the first Monday in June of the 3rd
24 following year; and the terms of office of one-third of the initial persons elected to
25 office ~~shall expire~~ *for expiration* on the first Monday in June of the 4th following year. If the number

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1 of commissioners is not divisible by 3, the clerk of the most populous political
2 subdivision whose park facilities are included in the district shall designate the
3 number of commissioners, as nearly equal to one-third as possible, whose initial
4 terms shall expire in the 2nd following year, the 3rd following year, and the 4th
5 following year.

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

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

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

18 *or for an election under par. (e) 2, no later than 5 p.m. on the 3rd Tuesday of July,*
2. No later than 5 p.m. on the 2nd Tuesday in January, the clerk shall certify

19 to the county clerk or board of election commissioners the names of candidates who
20 have filed valid nomination papers for commissioner and who are eligible to have
21 their names appear on the ballot under s. 8.30. If any municipality lying wholly or
22 partially within the district prepares its own ballots under s. 7.15 (2) (c), the clerk
23 shall similarly certify the names of candidates to the municipal clerk. In making
24 these certifications, the clerk shall designate the form of each candidate's name to
25 appear on the ballot in the manner prescribed under s. 7.08 (2) (a). If a primary is

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

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

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

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

20 (7m) Within 60 days after the municipal governing body of each municipality
21 that is wholly or partly contained within the district enacts an ordinance or adopts
22 a resolution under s. 5.15 dividing the municipality into wards, if the municipality
23 is required to do so, or otherwise within 60 days after the necessary population data
24 becomes available from the federal government or is published by an agency of this
25 state, the commission shall, by vote of a majority of the members of the commission,

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

7 (8) (a) The territory of a political subdivision may be in only one district, and
8 no county may contain more than one district. ✓ If a city or village whose territory is
9 in one district annexes territory that contains park facilities that are located in a
10 different district, that district shall transfer ownership of the park facilities that are
11 located in the annexed territory to the district whose territory includes the annexing
12 city or village. The district which receives the annexed territory shall negotiate a
13 settlement agreement with the park district from which the territory was annexed
14 to compensate that park district for the park facilities that are transferred, based on
15 at least all of the following factors: ✓

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

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

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

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

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

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

20 (d) Each petition filed under this subsection shall be in the form specified in s.
21 8.40, shall name the political subdivision whose park facilities are proposed to be
22 withdrawn from the district, and shall name the district from which the facilities are
23 to be withdrawn. The petition may be circulated on or after January 1 of any year and
24 may be filed no later than 5 p.m. on the 3rd Tuesday in February. The petition shall
25 contain the signatures of at least 100 electors of the political subdivision.

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

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

- 13 1. The current value of park facilities that are transferred. ✓
- 14 2. The amount of money or any other contribution made by the district for the
15 park facilities that are transferred. ✓
- 16 3. The amount of money or any other contribution made by the political
17 subdivision municipality for the park facilities that are transferred. ✓

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

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

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

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

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

23 **27.162 Local park districts; jurisdiction and expansion.** (1) The initial
24 jurisdiction of a district shall consist of the territory of all of the sponsoring political
25 subdivisions that have acted under s. 27.161 (1) and (2) and all of the participating

1 political subdivisions that have acted under s. 27.161 (3) in the same year, or within
2 90 days after the adoption of the first enabling legislation that is described in s.
3 27.161 (1). ✓

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

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

16 (c) Each petition filed under this subsection shall be in the form specified in s.
17 8.40, shall name the political subdivision whose park facilities are proposed to be
18 attached to the district, and shall name the district to which the facilities are to be
19 attached. The petition may be circulated on or after January 1 of any year and may
20 be filed no later than 5 p.m. on the 3rd Tuesday in February. The petition shall
21 contain the signatures of at least 100 electors of the political subdivision. ✓

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

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

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

11 **27.163 Local park districts; powers.** A district has all of the powers
12 necessary or convenient to carry out the purposes and provisions of ss. 27.16 to
13 27.165. In addition to all other powers granted by ss. 27.16 to 27.165, a district may
14 do all of the following:

15 (1) Adopt and alter an official seal.

16 (2) Sue and be sued in its own name, and plead and be impleaded.

17 (3) Maintain an office.

18 (4) In connection with park facilities:

19 (a) Acquire, develop, equip, maintain, improve, operate, and manage the park
20 facilities.

21 (b) Enter into contracts, subject to such standards as may be established by the
22 board of directors.

23 (c) Grant concessions.

24 (d) Operate recreational facilities or programs.

1 (5) Employ personnel, and fix and regulate their compensation; and provide,
2 either directly or subject to an agreement under s. 66.0301 as a participant in a
3 benefit plan of the political subdivision, any employee benefits, including an
4 employee pension plan. If the district hires a parks director, he or she shall be
5 professionally qualified in the field of parks management and he or she must be able
6 to demonstrate to the district that he or she has significant experience in the day to
7 day operation of a park district.

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

11 (7) Adopt and enforce reasonable rules and regulations governing the use of,
12 and the conduct within, its park facilities and recreational facilities in order to
13 promote public safety and convenience and to maintain order. The district may
14 establish civil penalties, including restitution and including forfeitures in an amount
15 not to exceed \$500 for each violation, for violations of the rules and regulations
16 authorized under this section.

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

at a rate not to exceed one mill on each dollar of the equalized full value of all taxable property in the district, except that the district may exceed the one mill tax levy rate by resolution.

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

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

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

20 2. The total operating levy, of all political subdivisions whose park facilities are
21 included in the district, that is attributable to park and recreational purposes for the
22 fiscal year before the fiscal year in which either the final enabling resolution is
23 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.

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

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

4 **27.165 Local park districts; dissolution. (1) DISSOLUTION.** In addition to
5 a district being dissolved upon a withdrawal, as described in s. 27.161 (9), the
6 commission may also vote to dissolve a district. If a district is dissolved, on the date
7 the dissolution becomes effective all of the following apply:

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

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

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

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

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

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

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

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

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

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

12 (2) ARBITRATION. In the event that a question arises concerning the application
13 of ^{sub. (1) or} s. 27.161 (6) or sub. (1) to any situation, the question shall be resolved by the
14 arbitrator selected under the procedure in s. 27.161 (5) ^{(b) 2.} ~~(e)~~, subject to any applicable
15 law.

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

17 30.277 (1b) (a) "Governmental unit" means a city, a village, a town, a county,
18 a local park district created under s. 27.161, or the Kickapoo reserve management
19 board.

20 SECTION 83. 66.0301 (1) (a) of the statutes is amended to read:

21 66.0301 (1) (a) In this section "municipality" means the state or any
22 department or agency thereof, or any city, village, town, county, school district, public
23 library system, public inland lake protection and rehabilitation district, sanitary
24 district, farm drainage district, metropolitan sewerage district, sewer utility district,
25 solid waste management system created under s. 59.70 (2), local exposition district

Handwritten notes: A circle around line 20, an arrow pointing to line 20, and a large scribble containing "51-20" and other illegible marks.

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

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

9 66.0617 (1) (a) "Capital costs" means the capital costs to construct, expand, or
10 improve public facilities, including the cost of land, and including legal, engineering,
11 and design costs to construct, expand, or improve public facilities, except that not
12 more than ~~10%~~ 10 percent of capital costs may consist of legal, engineering, and
13 design costs unless the municipality or local park district can demonstrate that its
14 legal, engineering, and design costs which relate directly to the public improvement
15 for which the impact fees were imposed exceed ~~10%~~ 10 percent of capital costs.
16 "Capital costs" does not include other noncapital costs to construct, expand, or
17 improve public facilities, vehicles; or the costs of equipment to construct, expand, or
18 improve public facilities.

19 **SECTION 85.** 66.0617 (1) (am) of the statutes is created to read:

20 66.0617 (1) (am) "Local park district" has the meaning given for district in s.
21 27.16 (4).

22 **SECTION 86.** 66.0617 (1) (c) of the statutes is amended to read:

23 66.0617 (1) (c) "Impact fees" means cash contributions, contributions of land
24 or interests in land, or any other items of value that are imposed on a developer by
25 a municipality or a local park district under this section.