

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

2 66.0617 (1) (d) "Land development" means the construction or modification of
3 improvements to real property that creates additional residential dwelling units
4 within a municipality or local park district or that results in nonresidential uses that
5 create a need for new, expanded, or improved public facilities within a municipality
6 or local park district.

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

8 66.0617 (1) (g) "Service area" means a geographic area delineated by a
9 municipality or local park district within which there are public facilities.

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

11 66.0617 (1) (h) "Service standard" means a certain quantity or quality of public
12 facilities relative to a certain number of persons, parcels of land, or other appropriate
13 measure, as specified by the municipality or local park district.

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

15 66.0617 (2) (a) ~~A~~ Subject to par. (am), a municipality may enact an ordinance
16 under this section, and a local park district may adopt a resolution under this section,
17 that imposes impact fees on developers to pay for the capital costs that are necessary
18 to accommodate land development.

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

20 66.0617 (2) (am) No local park district may impose an impact fee under this
21 section for any purpose other than park facilities, as defined in s. 27.16 (7).

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

23 66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance or adopting
24 a resolution that imposes impact fees, or amending an existing ordinance or
25 resolution that imposes impact fees, a municipality or a local park district shall hold

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

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

6 66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution
7 that imposes impact fees or amending an ordinance or resolution that imposes
8 impact fees by revising the amount of the fee or altering the public facilities for which
9 impact fees may be imposed, a municipality or a local park district shall prepare a
10 needs assessment for the public facilities for which it is anticipated that impact fees
11 may be imposed. The public facilities needs assessment shall include, but not be
12 limited to, the following:

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

14 66.0617 (4) (b) A public facilities needs assessment or revised public facilities
15 needs assessment that is prepared under this subsection shall be available for public
16 inspection and copying in the office of the clerk of the municipality or in the office of
17 the secretary of the commission of the local park district at least 20 days before the
18 hearing under sub. (3).

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

20 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or
21 resolution adopted under this section may impose different impact fees on different
22 types of land development.

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

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

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

7 **66.0617 (6) STANDARDS FOR IMPACT FEES.** (intro.) Impact fees imposed by an
8 ordinance enacted or resolution adopted under this section:

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

10 **66.0617 (6) (b)** May not exceed the proportionate share of the capital costs that
11 are required to serve land development, as compared to existing uses of land within
12 the municipality or local park district.

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

14 **66.0617 (6) (h)** Shall be payable by the developer to the local park district either
15 in full or in installment payments that are approved by the local park district.

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

17 **66.0617 (7) LOW-COST HOUSING.** An ordinance enacted or resolution adopted
18 under this section may provide for an exemption from, or a reduction in the amount
19 of, impact fees on land development that provides low-cost housing, except that no
20 amount of an impact fee for which an exemption or reduction is provided under this
21 subsection may be shifted to any other development in the land development in
22 which the low-cost housing is located or to any other land development in the
23 municipality or local park district.

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

1 66.0617 (8) REQUIREMENTS FOR IMPACT FEE REVENUES. Revenues from each
2 impact fee that is imposed shall be placed in a separate segregated interest-bearing
3 account and shall be accounted for separately from the other funds of the
4 municipality or local park district. Impact fee revenues and interest earned on
5 impact fee revenues may be expended only for the particular capital costs for which
6 the impact fee was imposed, unless the fee is refunded under sub. (9).

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

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

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

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

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

4 66.0617 (10) APPEAL. A municipality that enacts an impact fee ordinance under
5 this section shall, by ordinance, and a local park district that adopts an impact fee
6 resolution under this section shall, by resolution, specify a procedure under which
7 a developer upon whom an impact fee is imposed has the right to contest the amount,
8 collection, or use of the impact fee to the governing body of the municipality or local
9 park district.

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

11 67.01 (5) "Municipality" means any of the following which is authorized to levy
12 a tax: a county, city, village, town, school district, board of park commissioners,
13 technical college district, metropolitan sewerage district created under ss. 200.01 to
14 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, local park
15 district created under s. 27.161, public inland lake protection and rehabilitation
16 district established under s. 33.23, 33.235, or 33.24, and any other public body
17 empowered to borrow money and issue obligations to repay the money out of public
18 funds or revenues. "Municipality" does not include the state.

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

20 70.11 (37m) LOCAL PARK AND RECREATION DISTRICT. The property of a local park
21 district under s. 27.161.

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

23 71.26 (1) (bm) *Certain local districts.* Income of a local exposition district
24 created under subch. II of ch. 229, a local professional baseball park district created
25 under subch. III of ch. 229, a local professional football stadium district created

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

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

4 77.25 (18m) To a local park district under s. 27.161.

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

6 77.54 (9a) (i) A local park district under s. 27.161.

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

8 350.01 (2m) "Local park district" means a local park district created under s.
9 27.161 by one or more counties but not with the participation of any city, village, or
10 town.

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

12 350.01 (9j) "Local park district" means a local park district created under s.
13 27.161.

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

15 350.01 (11m) "Sanctioned race or derby" means a competitive snowmobile
16 event sponsored by a county, local park district, town, city, or village, by a promoter,
17 by a chamber of commerce, or by a snowmobile club or other similar organization.

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

19 350.04 (3) (a) No county, town, city ~~or~~, village, or local park district shall be
20 liable for any injury suffered in connection with a race or derby under this section,
21 unless the injury is caused by the negligence of the county, town, city ~~or~~, village, or
22 local park district.

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

24 350.04 (3) (b) The county, town, city ~~or~~, village, or local park district shall post
25 the provisions of par. (a) in a conspicuous place, readily accessible to all contestants

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

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

4 350.12 (4) (b) 1. State aids and funds for maintenance costs shall be ~~100%~~ 100
5 percent of the actual cost of maintaining the trail per year up to a \$250 per mile per
6 year maximum, except as provided in pars. (bg) to (br). Qualifying trails are trails
7 approved by the board as snowmobile trails. State aid for development may equal
8 ~~100%~~ 100 percent of development expenses. Aids for major reconstruction or
9 rehabilitation projects to improve bridges may equal ~~100%~~ 100 percent of eligible
10 costs. Aids for trail rehabilitation may equal ~~100%~~ 100 percent of eligible costs.
11 Development shall begin the same year the land is acquired. Moneys available for
12 development shall be distributed on a ~~100%~~ 100 percent grant basis, ~~75%~~ 75 percent
13 at the time of approval but no later than January 1 and ~~25%~~ 25 percent upon
14 completion of the project. ~~A county~~ An application from a county or a local park
15 district may include a request for development, rehabilitation or maintenance of
16 trails, or any combination thereof. Trail routes, sizes and specifications shall be
17 prescribed only by the board.

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

19 350.12 (4) (b) 3. Not more than \$30,000 for a route signing program of aids to
20 cities, villages, towns ~~or~~ counties, or local park districts of up to ~~100%~~ 100 percent
21 of the cost of initial signing of snowmobile routes which connect authorized
22 snowmobile trails or which offer entrance to or exit from snowmobile trails leading
23 to ~~such municipalities~~ the cities, village, towns, or counties. Aid may be provided
24 under this subdivision to cities, villages, towns ~~and~~ counties and local park districts
25 for up to ~~100%~~ 100 percent of the cost of placing signs developed under s. 350.108 (1)

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

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

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

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

13 350.12 (4) (bg) 2. For fiscal year 2001-02, and for each fiscal year thereafter,
14 the department shall calculate an amount equal to the number of trail use stickers
15 issued under sub. (3j) in the previous fiscal year multiplied by \$15 and shall credit
16 this amount to the appropriation account under s. 20.370 (5) (cw). From the
17 appropriation account under s. 20.370 (5) (cw), the department shall make payments
18 to the department ~~or~~, a county, or a local park district for the purposes specified in
19 par. (b). The department shall make payments under par. (bm) for trail maintenance
20 costs that were incurred in the previous fiscal year and that exceed the maximum
21 specified under par. (b) 1. before making payments for any of the other purposes
22 specified in par. (b).

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

1 350.12 (4) (bm) *Supplemental trail aids; eligibility.* (intro.) A county, a local
2 park district, or the department shall be eligible for payments under par. (bg) for a
3 given fiscal year if it applies for the aid and if all of the following apply:

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

5 350.12 (4) (bm) 1. The actual cost incurred by the department ~~or~~, the county,
6 or the local park district in maintaining its trails that are qualified under par. (b) 1.
7 or 4. in the previous fiscal year exceeds the maximum of \$250 per mile per year under
8 par. (b) 1.

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

10 350.12 (4) (bm) 2. Of the actual cost incurred by the department ~~or~~, the county,
11 or the local park district in maintaining its trails that are qualified under par. (b) 1.
12 or 4. for the fiscal year applicable under subd. 1., the actual cost incurred in grooming
13 the trails exceeds a maximum of \$150 per mile per year.

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

15 350.12 (4) (br) *Supplemental trail aids; insufficient funding.* If the aid that is
16 ~~payable to counties and to the department~~ under par. (bm) exceeds the moneys
17 available under par. (bg), the department may prorate the payments or may request
18 the joint committee on finance to take action under s. 13.101. The requirement of a
19 finding of emergency under s. 13.101 (3) (a) 1. does not apply to such a request.

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

21 350.138 (1) (d) "Snowmobile alliance" means an organization that consists of
22 or represents any combination of 2 or more snowmobile clubs ~~or~~, counties, or local
23 park districts.

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

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

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

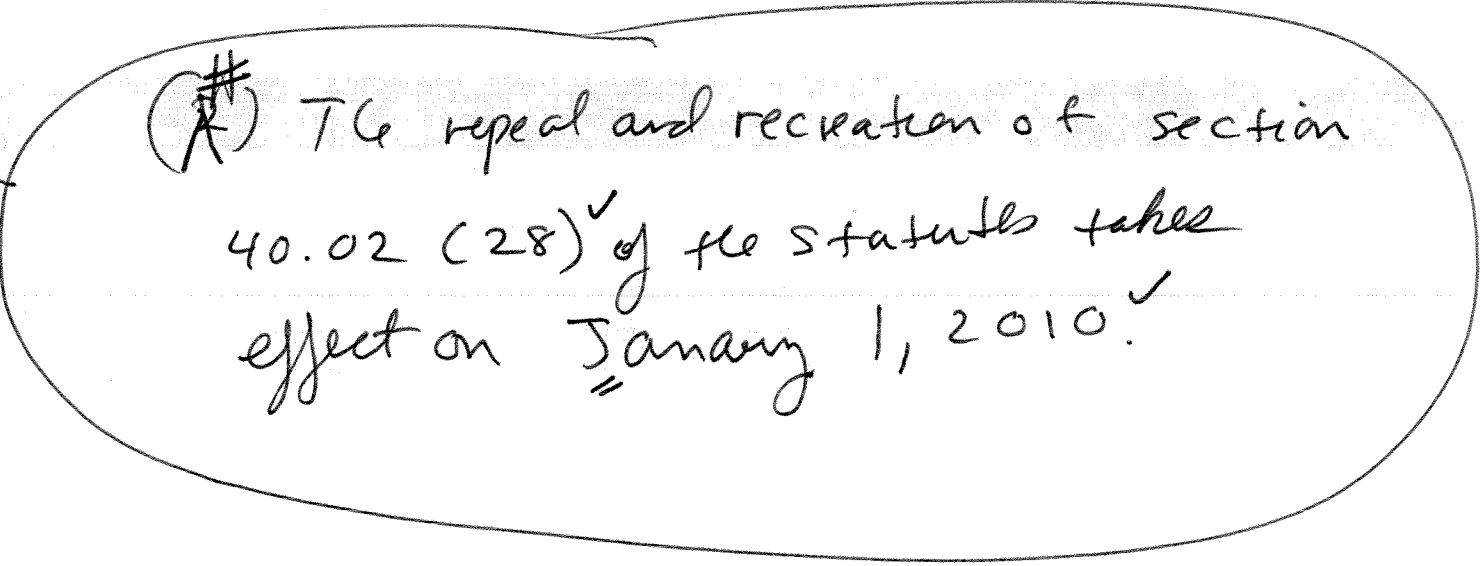
4 350.18 (1) ~~Counties, towns, cities and villages~~ A county, city, town, or village
5 may regulate snowmobile operation on snowmobile trails ~~maintained by or on~~
6 ~~snowmobile routes designated by~~ under the jurisdiction of the county, city, town, or
7 village.

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

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

12

(END)



(A) The repeal and recreation of section 40.02 (28) of the statutes takes effect on January 1, 2010.

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0220/1insMES
MS/JK/JTK/MG/CH:lk:pg

INSERT 49-1

(c) For the year in which a commission imposes its initial operating levy under par. (b), each sponsoring political subdivision shall reduce its operating levy by the amount that the sponsoring political subdivision levied in the previous year for park and recreational purposes, to the extent that those functions have been assumed by the district.

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0220/1insRC
RAC:.....

Insert 51-20:

SECTION 1. 40.02 (28) of the statutes is amended to read:

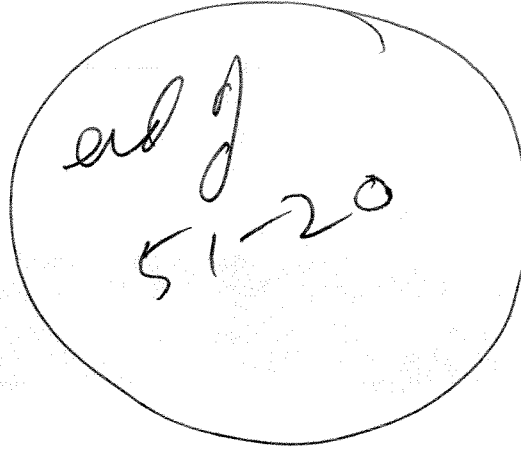
40.02 (28) "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229, a local park district created under s. 27.161, and a family care district created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3) and subch. X. "Employer" does not include a local cultural arts district created under subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes.

SECTION 2. 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act 65 and 2007 Wisconsin Act (this act), is repealed and recreated to read:

40.02 (28) "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229, a local park district created under s. 27.161, and a family care district created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local

↓

cultural arts district created under subch. V of ch. 229. ✓ Each employer shall be a separate legal jurisdiction for OASDHI purposes.



add
51-20

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0220/1dn

MS/JK/TK/MC/CH:.....

RAC

JLd

date

In order to participate in the Wisconsin Retirement System (WRS),[✓] an employer must be an employer under s. 40.02 (28).[✓] A local park district is arguably a “unit of government” under s. 40.02 (28) and hence is eligible to participate in the WRS without amending any current statute. However, there is some ambiguity under s. 40.02 (28) as to exactly what is a unit of government. Under s. 40.02 (28), for instance, a family care district has been specifically included as an employer, as well as a local exposition district created under subch. II of ch. 229.[✓] This would seem to indicate that it may be best to specifically mention a local park district under that definition. I have therefore gone ahead and specifically included a local park district as an employer under s. 40.02 (28).[✓] As a result, a local park district, as with any local governmental unit, would need to enroll in the WRS pursuant to s. 40.21.[✓]

Rick A. Champagne
Senior Legislative Attorney
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0220/1dn
RAC:jld:jf

February 8, 2007

In order to participate in the Wisconsin Retirement System (WRS), an employer must be an employer under s. 40.02 (28). A local park district is arguably a "unit of government" under s. 40.02 (28) and hence is eligible to participate in the WRS without amending any current statute. However, there is some ambiguity under s. 40.02 (28) as to exactly what is a unit of government. Under s. 40.02 (28), for instance, a family care district has been specifically included as an employer, as well as a local exposition district created under subch. II of ch. 229. This would seem to indicate that it may be best to specifically mention a local park district under that definition. I have therefore gone ahead and specifically included a local park district as an employer under s. 40.02 (28). As a result, a local park district, as with any local governmental unit, would need to enroll in the WRS pursuant to s. 40.21.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
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Shovers, Marc

From: Shovers, Marc
Sent: Monday, February 12, 2007 3:14 PM
To: 'John Vandlik'; Kreye, Joseph
Cc: Hogan, John; John.VANDLIK@usda.gov
Subject: RE: latest PD bill draft

Hi John:

Sorry about the mix-up in the analysis. Joe and I will address this in the /2.

I did not recall that you wanted to allow more than one park district in a county, provided that the county is not part of the district, and I have corrected this oversight in the /2. I must have forgotten to write your instruction in my notes following one of our conversations, because I could not find any written instruction on this issue.

Neither Joe nor I have ever seen a 12 page set of handwritten comments. We have your January 16, 2007, e-mail and it does contain an attachment, but the attachment consists of only the original drafting instructions (modifications to 2005 LRB -2863) on Senator Darling's letterhead, and a list of 7 items under the heading "areas in need of agreement." All of the modifications contained in the original drafting instructions have been included in the /P1 or /1 version of the draft, and all of the items in the "need of agreement" document have also been addressed in the /P1 or /1, other than item 4 (statement of legislative purpose), which Jessica indicated to me was something the senator was not interested in including in the draft.

As far as I can tell, once the analysis is updated and the provisions regarding multiple park districts in a county are added, the /2 version of the bill will contain every instruction that we've received thus far. We will get a /2 out as quickly as possible. Thanks a lot for all of the time that you have put in reviewing the draft.

Marc Shovers

Marc E. Shovers

Senior Legislative Attorney
Legislative Reference Bureau
Phone: (608) 266-0129
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e-mail: marc.shovers@legis.state.wi.us

From: John Vandlik [mailto:jrvandlik@wi.rr.com]
Sent: Friday, February 09, 2007 8:57 PM
To: Shovers, Marc; Kreye, Joseph
Cc: Hogan, John; John.VANDLIK@usda.gov

02/12/2007

Subject: RE: latest PD bill draft

Marc,

Today, John Hogan forwarded me the latest draft of the pd bill.

I noticed that while the bill now contains language for the 1 mill per dollar rate cap (w/ escape for referendum) (p.47, line 21) as well as an offset provision for sponsoring political subdivisions' levies for initial year (see p.49, line 5), the LRB analysis does not mention either provision. Rather it retains the incorrect language from the previous draft. Given Sen. Darling is trying to line up co-sponsors it is crucial that the LRB analysis be accurate with respect to the provisions of the draft itself. I doubt many legislators will read more than LRB Analysis, and these two tax-related issues are important in selling the idea. Is it possible to correct the LRB analysis now?

Recall also, that I had talked to you, after the first draft came out, that more than one park district could exist in one county. E.g. a couple of municipalities could create one pd at one end of the county, and another pd could be created at the other end. Only when there was as county-wide pd would there only be one pd allowed in a county. This draft retains the unneeded limitation of only one pd per county.

Finally, I reviewed the draft against the 12-page set of comments I attached to my 1/16 email to you, Joe K and John Hogan. None of the suggested changes made it into this version of the bill. Why is that? If you or others at LRB had specific concerns about the recommended changes, I'd like to discuss them with you.

—John Vandlik 414-297-3276

From: John Vandlik [mailto:jrvandlik@wi.rr.com]
Sent: Sunday, January 28, 2007 2:29 PM
To: 'marc.shovers@legis.wisconsin.gov'; 'joseph.kreye@legis.wisconsin.gov'
Cc: 'john.hogan@legis.wisconsin.gov'; 'John.VANDLIK@usda.gov'
Subject: RE: offset provision??

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

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

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

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

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

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

This past weekend I was able to more thoroughly read the preliminary draft of the park district bill. Today, my wife had surgery, so

02/12/2007

while in the waiting room for hours, I drafted, longhand, my comments w/ suggested changes to the bill. I've scanned those comments into the attached document. Please review.

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

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

Shovers, Marc

From: Shovers, Marc
Sent: Tuesday, February 13, 2007 9:13 AM
To: 'VANDLIK, JOHN'
Subject: RE: latest PD bill draft

Hi John:

I did not receive any e-mail from you, other than this one and the one that I responded to yesterday. My fax number is below.

Marc

Marc E. Shovers

Senior Legislative Attorney
 Legislative Reference Bureau
 Phone: (608) 266-0129
 Fax: (608) 264-6948
 e-mail: marc.shovers@legis.state.wi.us

From: VANDLIK, JOHN [mailto:JOHN.VANDLIK@OGC.USDA.GOV]
Sent: Tuesday, February 13, 2007 9:07 AM
To: Shovers, Marc; jrvandlik@wi.rr.com; Kreye, Joseph
Cc: Hogan, John
Subject: RE: latest PD bill draft

Marc, Last night I tried forwarding the 1/16 email w/ attachment. If you did not receive it this AM , please give me your fax number and I will fax it to you. I would like my comments to be considered in any current redraft that's going on. Thanks.
 --John

From: Marc.Shovers@legis.wisconsin.gov [mailto:Marc.Shovers@legis.wisconsin.gov]
Sent: Monday, February 12, 2007 3:14 PM
To: jrvandlik@wi.rr.com; Joseph.Kreye@legis.wisconsin.gov
Cc: John.Hogan@legis.wisconsin.gov; VANDLIK, JOHN
Subject: RE: latest PD bill draft

Hi John:

Sorry about the mix-up in the analysis. Joe and I will address this in the /2.

I did not recall that you wanted to allow more than one park district in a county, provided that the county is not part of the district, and I have corrected this oversight in the /2. I must have forgotten to write your instruction in my notes following one of our conversations, because I could not find any written instruction on this issue.

02/15/2007

Neither Joe nor I have ever seen a 12 page set of handwritten comments. We have your January 16, 2007, e-mail and it does contain an attachment, but the attachment consists of only the original drafting instructions (modifications to 2005 LRB -2863) on Senator Darling's letterhead, and a list of 7 items under the heading "areas in need of agreement." All of the modifications contained in the original drafting instructions have been included in the /P1 or /1 version of the draft, and all of the items in the "need of agreement" document have also been addressed in the /P1 or /1, other than item 4 (statement of legislative purpose), which Jessica indicated to me was something the senator was not interested in including in the draft.

As far as I can tell, once the analysis is updated and the provisions regarding multiple park districts in a county are added, the /2 version of the bill will contain every instruction that we've received thus far. We will get a /2 out as quickly as possible. Thanks a lot for all of the time that you have put in reviewing the draft.

Marc Shovers

Marc E. Shovers

Senior Legislative Attorney
 Legislative Reference Bureau
 Phone: (608) 266-0129
 Fax: (608) 264-8522
 e-mail: marc.shovers@legis.state.wi.us

From: John Vandlik [mailto:jrvandlik@wi.rr.com]
Sent: Friday, February 09, 2007 8:57 PM
To: Shovers, Marc; Kreye, Joseph
Cc: Hogan, John; John.VANDLIK@usda.gov
Subject: RE: latest PD bill draft

Marc,

Today, John Hogan forwarded me the latest draft of the pd bill.

I noticed that while the bill now contains language for the 1 mill per dollar rate cap (w/ escape for referendum) (p.47, line 21) as well as an offset provision for sponsoring political subdivisions' levies for initial year (see p.49, line 5), the LRB analysis does not mention either provision. Rather it retains the incorrect language from the previous draft. Given Sen. Darling is trying to line up co-sponsors it is crucial that the LRB analysis be accurate with respect to the provisions of the draft itself. I doubt many legislators will read more than LRB Analysis, and these two tax-related issues are important in selling the idea. Is it possible to correct the LRB analysis now?

Recall also, that I had talked to you, after the first draft came out, that more than one park district could exist in one county. E.g. a couple of municipalities could create one pd at one end of the county, and another pd could be created at the other end. Only when there was as county-wide pd would there only be one pd allowed in a county. This draft retains the unneeded limitation of only one pd per county.

Finally, I reviewed the draft against the 12-page set of comments I attached to my 1/16 email to you, Joe K and John Hogan. None of the suggested changes made it into this version of the bill. Why is that? If you or others at LRB had specific concerns about the recommended changes, I'd like to discuss them with you.

02/15/2007

–John Vandlik 414-297-3276

From: John Vandlik [mailto:jrvandlik@wi.rr.com]
Sent: Sunday, January 28, 2007 2:29 PM
To: 'marc.shovers@legis.wisconsin.gov'; 'joseph.kreye@legis.wisconsin.gov'
Cc: 'john.hogan@legis.wisconsin.gov'; 'John.VANDLIK@usda.gov'
Subject: RE: offset provision??

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

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

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

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

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

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

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

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

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

02/15/2007

To: Marc Shovers
Legislative Reference Bureau

From: John V
414-297-3276

RE: BD bill

DA: 2/13/07

Per email this AM.

VANDLIK, JOHN

From: jrvandlik@wi.rr.com
Sent: Sunday, January 28, 2007 2:33 PM
To: marc.shovers@legis.wisconsin.gov; joseph.kreye@legis.wisconsin.gov
Cc: john.hogan@legis.wisconsin.gov; VANDLIK, JOHN
Subject: RE: offset provision??
Attachments: pddraftingdir0003.pdf

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

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


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

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

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

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

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*This was email that
sent the attachment which
is enclosed.*

2/13/2007

both changes due to changes in X-refs expands ^{applicability of} grants to more than countries - language in sub. (ii)

MGG

Sect. 52: 23.09(26)(bg); What is the purpose for creating this provision? ie: How does it relate to park districts?

in sub. (ii) didn't mark only applied to countries Now, it applies to PDs too

MGG

Sect. 54: 23.09(h); What is the purpose for creating this provision? How does it relate to park districts?

deleted

Sect. 70: 27.075(1); What is need for phrase "or may remain a party to the agreement." It appears that last sentence relates to termination of an agreement with the county, so "remaining a party to an agreement runs counter to that concept."

no needed

Sect. 76: 27.16(7); Amend defn. of "park facilities" as follows: "means a public park, including land, interests in land, and associated improvements, if any, that is owned by a park district, or a public park, including land, interests in land, and associated improvements, if any, that is owned by a municipality"

This is intended to make it clear that a park facility includes real property whether or not developed in any way. Also covers conservation easements and right-of-way easements.

2

Sect. 76; 27.16(10); Amend defn. of "sponsoring political subdivision" as follows:

(a) A municipality that creates a district on its own or in combination...

It's in there already

This is intended to reflect possibility that one municipality may create a Park district.

Sect. 77; 27.16 1.

Since (5) speaks of January 1 as the creation date of a park district actions such as referendum and resolution, set forth in (1) and (3) & (4), should probably be characterized as "approving" a park district not "creating" it. To follow that concept the following amendments are needed:

I think it's OK as is. Subj. to sub (5) makes clear that sub (5) is not created.

(1) ~~Subject to sub (5)~~, one or more political subdivisions may approve a special purpose district...."

But see changes in "provide for the creation" -

(3) ~~A district may also be created,~~ approved subject to subs (4) and (5)...."

(4) lines 10&11 amend to read: "and that has the powers under s. 27.163 is approved, the boundaries of which...."

3

Sect. 77; 27.161;

Amend (2) to read: " Subject to sub. (5), a district shall consist of one or more political subdivisions, except that no county may contain more than one district if there exists a county-wide park district. "

already changed

This is intended to reflect the fact that there may be more than one park district in a county unless there is a county-wide park district. For example a couple of municipalities may form a park district at one end of the county and another municipality may form another park district on the other end of the county.

Sect. 77; 27.161

Amend (5)(b)(2) to read as follows:

" A method to select an arbitrator who will decide ... question or are unable to resolve. Provided, the method shall include procedures that give equal participation rights ~~in such~~ to elected park district commissioners in the selection of an arbitrator. "

not done

2

the gov. bodies must agree on the method or no go.

equal to whom?

14

Sect 77: 25.161

Amend (S)(b)(-) to delete reference to dissolution processes.

Shouldn't dissolution be controlled by park district commissioners in conjunction with political subdivisions at appropriate time? That is, it seems inappropriate and premature for sponsoring political subdivisions to determine dissolution procedures by resolution prior to park district's creation. ~~It~~

It devalues independence of park districts

NO - misses the point - the arb. resolves issues like division of assets & liabilities - see 0.27.165 (2)

Goals of both amendments above are to recognize fact that park districts have independence and that some transferring political subdivisions may be antagonistic to the idea of a park district, if it were approved by referendum

~~0.27.165 (2)~~

P. 27.162 (1), P. 45 06/11
makes distinction between - sponsoring pol. subd' under sub. (1) & (2), & participating' pol. subd' under sub. (3), the referendum procedures.

15

Sect. 77: 27,161 Amend (b)(a) to read as follows:

(a) All assets and liabilities of the sponsoring political subdivision with respect to park and recreational functions become assets and liabilities of the district, except for: debt service on debt for capital expenditures which was incurred prior to the park district's creation; and expenditures for pension, health care or other benefits for retired employees who retired prior to the park district's creation.

This change reflects ^{previous} directions and discussions with LRB.

56et
I don't think this works - what if the debt is created after?
P. 35 06/11

(2) Policy (2)
2/15/07: John Hogan says to include this

as we've discussed w/ John, this is not needed

Amend (7)(a)(4) to read as follows:

(p.6)

JTK

"4. The initial election of commissioners shall occur at the spring election that is held in the year following the year in which the park district is approved pursuant to sub. (1) or (4), except that if it is approved ~~approved~~ in an even-numbered year, the initial election"

Not done prior to June

because change on page 7 not done

This change add reference to "approval" (per previous change) and approval gained by referendum in addition to approval by resolution or ordinance.

not done

Sect. 77:27.161

Amend (7)(b)(1), fourth sentence"

JTK

"The districting plan for the election of initial commissioners in a newly ~~created~~ approved district shall be prescribed by the board of elections."

This clearly defines Board of elections as the entity that defines initial ^{election} districts. Alternatively, definition of "Board" could be added at 27.16 [see Sect. 76]

Also, it uses "approval" terminology

Sect. 77; 27.161

Amend (7)(e)(2), first sentence to read as follows:

"The terms of office of the persons initially elected as commissioners shall begin on January 1 after their election, when the park district is created."

This change ensures that the terms of the commissioners, initially elected, begin at the same time as the date the park district is created. I do not see a need to distinguish between initial commissioners elected at a Spring versus Fall election.

~~As currently written~~

Sect. 77; 27.161

Amend (8)(a), first sentence to read as follows:

"The territory of a political subdivision may be in only one district, and no county may contain more than one district, if there exists a county-wide park district."

This change reflects change suggested above, related to 27.161(2)

Sect. 78 27.162

Amend 2(b) to read as follows:

... and shall also permit the electors of a political subdivision to request inclusion in the district through a petition and referendum process, with the referendum being held only in that particular political subdivision.

NOT needed -- P. 27.162(2)(b) deals w/ inclusion of pol. subd. in a PO -- existing pol. subd. are already in the PD so any referendum for "inclusion" wld only apply to the new pol. subd.

This makes it clear that the referendum process will not include the whole existing park district boundaries but merely occur ^{only} within the political subdivision which is proposed to be added.

Sect 78 : 27.162

Amend (3) to read as follows: "Eligible electors of a political subdivision included in the expanded jurisdiction of a district may vote for members of the board of directors at the first election occurring after the effective date of the expansion at which members of the board of directors, who are designated to represent the area encompassing the political subdivision, are elected."

Seems unnecessary new electors who rep. their area shldn't matter at-large or by district

I don't see the issue (Some commissioners may be at large, while some may represent districts, still, not all be elected at the same election due to staggered terms.)

Sect. 7a: 27.163

19

Amend (5), last sentence to read as follows:

~~Amend (5)~~
"The district shall hire a parks director who is professionally qualified in the field of parks management with significant experience in the day to day operations of parks."

Moved
to
p. 46

This change is intended to clarify that a park director must be hired and that the person needs experience in park operations, not necessarily "park district" experience.

(31)

Sect. 80: 27.164

Amend (1) to read as follows:

"(1) Except as otherwise provided in this section, the sponsoring political subdivisions and any political subdivision that joined the district under 27.162 may not create a park or expend any funds to support a park or recreational facilities...."

Not nec. "juris" only includes sponsoring or participating pol. subds. - see p. 27.162

This change is made to avoid any confusion from use of ^{the} phrase "that make up the jurisdiction."

For example, residents of a municipality might live within a countywide park district (where ^{the} county was the sponsoring political subdivision) yet the municipality may continue to run its own ~~park~~ municipally-owned parks.

117

Section 81: 27.165

Amend (1)(c) to read as follows:

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

also see p. 35, p. 19 consistency?
A. 50
of 11

This is a change to address real property that needs to be transferred.

real prop. is transferred on p. 35, p. 384

Section 81: 27.165

Amend (2) to read as follows:

"In the event that a question ~~shall~~ ~~be resolved~~ arises concerning the application of sub. (1), ~~27.165(6)~~, ~~to~~, the question shall be resolved by an arbitrator selected under procedures agreed to between the district and the political subdivisions described in sub. (1)(a)."

Not needed - see comment on JV's p. 4

This deletes reference to prior dissolution procedure described by 27.165(5), ~~which~~ for which I questioned the need, ~~set~~ above.

Shovers, Marc

From: Hogan, John
Sent: Thursday, February 15, 2007 11:58 AM
To: Shovers, Marc
Subject: RE: Park district language

This is good language to go forward with.

John

From: Shovers, Marc
Sent: Thursday, February 15, 2007 11:33 AM
To: Hogan, John
Subject: Park district language

Hi John:

The current version of draft states that "The territory of a political subdivision may be in only one district, . . ." See p. 41, line 10, which is part of s. 27.161 (8) (a).

The problem is that many cities and villages are in multiple counties. The city of Milwaukee, for example, is in Milwaukee, Waukesha, and Washington counties. If the bill is enacted, a problem could arise if Waukesha or Washington County creates a county-wide district; the city of Milwaukee, then, may be precluded from becoming part of district that is created by Milwaukee County. To avoid this problem, I'd suggest something like the following:

(d) If a city or village is located in more than one county, the city or village may become part of any district for which it is otherwise eligible to be a part of, even if a county-wide district is created that contains part of the city's or village's territory. All of the city's or village's territory shall be considered to be within the jurisdiction of the park district in which the city or village chooses to participate.

Let me know what you think about this.

Marc

Marc E. Shovers

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Legislative Reference Bureau
Phone: (608) 266-0129
Fax: (608) 264-6948
e-mail: marc.shovers@legis.wisconsin.gov