

**BILL****SECTION 74**

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.

**BILL**

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  
18 another 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 *provide for the creation of*  
*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

**BILL**

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.

**BILL**

*but not if the county is part of the 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) *The creation of* A district may also be ~~created~~ *provided for*, 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.

## BILL

1 (4) If all of the steps in sub. (3) occur, each political subdivision in which a  
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. (4).

19 2. The initial commissioners are elected under sub. (7) (a) ~~2~~ 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 following the date on which the  
25 resolution under sub. (1) or the referendum question is approved, that contains an

**BILL**

*except that debt related to capital expenditures for park facilities that was incurred before the district's creation remains the responsibility of the political subdivision*  
agreement among each of the governing bodies which addresses at least all of the

2 following 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.

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24 modified or rescinded by the district, to the extent allowed under the contract.

**BILL****SECTION 77**

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

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

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

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

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

19 4. The initial election of commissioners shall occur at the spring election that  
20 is held in the year following the year in which the resolution<sup>s</sup> or ordinance<sup>s</sup> described  
21 in sub. (5) (a) <sup>and (b)</sup> takes effect, except that if the resolution<sup>s</sup> or ordinance<sup>s</sup> takes effect before  
22 June 1 in an even-numbered year, the initial election of commissioners shall occur  
23 at a special election which shall be held concurrently with the general election. The  
24 clerk or board of election commissioners of the most populous political subdivision

**BILL**

1 whose park facilities are included in the district shall serve as the clerk of the district  
2 until an initial clerk is appointed under par. (h) and qualifies.

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



**BILL**

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. The clerk of the most populous political subdivision whose park facilities are  
9 included in the district shall designate the terms of one-third of the initial persons  
10 elected to office for expiration on the first Monday in June of the year following that  
11 year; the terms of one-third of the initial persons elected to office for expiration on  
12 the first Monday in June of the 2nd year following that year; and the terms of  
13 one-third of the persons elected to office for expiration on the first Monday in June  
14 of the 3rd year following that year. If the number of commissioners is not divisible  
15 by 3, the clerk of the most populous political subdivision whose park facilities are  
16 included in the district shall designate the number of commissioners, as nearly equal  
17 to one-third as possible, whose initial terms shall expire in the following year, the  
18 2nd following year, and the 3rd following year.

19 2. If the commissioners are initially elected at the general election, the terms  
20 of office of the initial persons elected to office shall begin on the <sup>first</sup> ~~2nd~~ Monday in  
21 January. *Following their election to office* If the commissioners are initially elected at the general election in any year,  
22 the clerk of the most populous political subdivision whose park facilities are included  
23 in the district shall designate the terms of one-third of the initial persons elected to  
24 office for expiration on the first Monday in June of the 2nd year following that year;  
25 the terms of one-third of the initial persons elected to office for expiration on the first

**BILL**

1 Monday in June of the 3rd following year; and the terms of office of one-third of the  
2 initial persons elected to office for expiration on the first Monday in June of the 4th  
3 following year. If the number of commissioners is not divisible by 3, the clerk of the  
4 most populous political subdivision whose park facilities are included in the district  
5 shall designate the number of commissioners, as nearly equal to one-third as  
6 possible, whose initial terms shall expire in the 2nd following year, the 3rd following  
7 year, and the 4th following year.

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

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

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

20 2. No later than 5 p.m. on the 2nd Tuesday in January, or for an election under  
21 par. (e) 2., no later than 5 p.m. on the 3rd Tuesday of July, the clerk shall certify to  
22 the county clerk or board of election commissioners the names of candidates who  
23 have filed valid nomination papers for commissioner and who are eligible to have  
24 their names appear on the ballot under s. 8.30. If any municipality lying wholly or  
25 partially within the district prepares its own ballots under s. 7.15 (2) (c), the clerk

**BILL**

1 shall similarly certify the names of candidates to the municipal clerk. In making  
2 these certifications, the clerk shall designate the form of each candidate's name to  
3 appear on the ballot in the manner prescribed under s. 7.08 (2) (a). If a primary is  
4 held for any seat on a commission, the clerk shall certify to the county clerk or board  
5 of election commissioners the names of candidates who have won nomination to the  
6 commission and who are eligible to have their names appear on the ballot under s.  
7 8.30. If any municipality lying wholly or partially within the district prepares its  
8 own ballots under s. 7.15 (2) (c), the clerk shall similarly certify the names of  
9 candidates to the municipal clerk or board of election commissioners. The clerk shall  
10 notify the municipal clerk or board of elections commissioners of each municipality  
11 lying wholly or partially within the district of any district election and furnish each  
12 municipal clerk with a copy of the notice of the district election. If paper ballots are  
13 utilized at a district election, the clerk shall provide each municipal clerk with an  
14 adequate supply of ballots for the election at least 22 days before the election. The  
15 clerk shall issue certificates of election to persons who are elected to the commission  
16 after each election in the manner provided under s. 7.53 (4).

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

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

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

23 **(7m)** Within 60 days after the municipal governing body of each municipality  
24 that is wholly or partly contained within the district enacts an ordinance or adopts  
25 a resolution under s. 5.15 dividing the municipality into wards, if the municipality

**BILL**

1 is required to do so, or otherwise within 60 days after the necessary population data  
2 becomes available from the federal government or is published by an agency of this  
3 state, the commission shall, by vote of a majority of the members of the commission,  
4 adopt a revised plan for the election districts within the district. Each election  
5 district under the plan shall consist of contiguous whole wards or municipalities and  
6 shall be equal in population insofar as practicable. Except as otherwise required  
7 under sub. (10), the plan shall be effective until the commission adopts a revised plan  
8 under this subsection following the next federal decennial census unless a court of  
9 competent jurisdiction orders the commission to revise the plan at an earlier date.

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

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

22 (b) If the park districts are unable to negotiate a settlement under par. (a)  
23 within 60 days after the effective date of the annexation that results in the transfer  
24 of territory, the districts shall agree on the selection of an arbitrator who shall decide

**BILL**

1 the settlement amount, and send written notification of his or her decision to all  
2 parties, within 30 days after his or her appointment.

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

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

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

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

22 (d) Each petition filed under this subsection shall be in the form specified in s.  
23 8.40, shall name the political subdivision whose park facilities are proposed to be  
24 withdrawn from the district, and shall name the district from which the facilities are  
25 to be withdrawn. The petition may be circulated on or after January 1 of any year and

**BILL**

1 may be filed no later than 5 p.m. on the 3rd Tuesday in February. The petition shall  
2 contain the signatures of at least 100 electors of the political subdivision.

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

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

15 1. The current value of park facilities that are transferred.

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

18 3. The amount of money or any other contribution made by the political  
19 subdivision municipality for the park facilities that are transferred.

20 (g) If the political subdivision and the district are unable to negotiate a  
21 settlement under par. (f) within 60 days after the resolution is approved in the  
22 referendum under par. (a) or within 60 days after the referendum described under  
23 par. (b) is approved, the political subdivision and the district shall agree on the  
24 selection of an arbitrator who shall decide the settlement amount, and send written

**BILL**

1 notification of his or her decision to all parties, within 30 days after his or her  
2 appointment.

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

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

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

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

**BILL**

1           **27.162 Local park districts; jurisdiction and expansion.** (1) The initial  
2 jurisdiction of a district shall consist of the territory of all of the sponsoring political  
3 subdivisions that have acted under s. 27.161 (1) and (2) and all of the participating  
4 political subdivisions that have acted under s. 27.161 (3) in the same year, or within  
5 90 days after the adoption of the first enabling legislation that is described in s.  
6 27.161 (1).

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

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

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



**BILL**

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

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

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

15           **27.163 Local park districts; powers.** A district has all of the powers  
16 necessary or convenient to carry out the purposes and provisions of ss. 27.16 to  
17 27.165. In addition to all other powers granted by ss. 27.16 to 27.165, a district may  
18 do all of the following:

19           (1) Adopt and alter an official seal.

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

21           (3) Maintain an office.

22           (4) In connection with park facilities:

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

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46-16  
move  
p. 47

**BILL**

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

3 (c) Grant concessions.

4 (d) Operate recreational facilities or programs.

5 ~~(e)~~ <sup>(e) Acquire by purchase, exchange or donation land or interests in land</sup>  
6 (5) Employ personnel, and fix and regulate their compensation; and provide,

7 either directly or subject to an agreement under s. 66.0301 as a participant in a  
8 benefit plan of the political subdivision, any employee benefits, including an  
9 employee pension plan.

10 <sup>MOVE</sup> ~~if~~ <sup>NOT</sup> the district <sup>shall</sup> hires a parks director, <sup>who is</sup> ~~he or she shall be~~  
11 professionally qualified in the field of parks management and <sup>who</sup> ~~he or she must be able~~  
12 to demonstrate to the district that ~~he or she~~ has significant experience in the day to  
13 day operation of a park district.

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

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

23 (8) (a) To carry out its functions, levy a tax on the taxable property in the  
24 district, as equalized by the department of revenue under s. 70.57, at a rate not to  
25 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. No increase in the tax levy rate is effective until the resolution is

JNS  
46-16--  
Move to  
p. 46

**BILL**

1 approved by a majority of the electors in the political subdivision voting on the  
2 resolution at a referendum, to be held at the first regular election or special election  
3 held throughout the district that is held at least 45 days after the date of adoption  
4 of the resolution. The question submitted shall be whether the property tax levy for  
5 the district may be increased by a specified amount. The clerk of the district shall  
6 publish the notices required under s. 10.06 (4) (c), (f), and (i) for any referendum held  
7 under this subsection. Notwithstanding s. 10.06 (4) (c), the type A notice under s.  
8 10.01 (2) (a) relating to the referendum is valid even if given and published late as  
9 long as it is given and published prior to the election as early as practicable. If a board  
10 of directors adopts a resolution that increases the property tax levy rate for the  
11 district and the resolution is approved by the electors, the district clerk shall deliver  
12 a certified copy of the resolution to the secretary of revenue at least 30 days before  
13 its effective date. The tax levy rate shall be applied to the respective real property  
14 and personal property tax rolls of the city, village, town, and county included in the  
15 district and shall not be included within any limitation on county or municipality  
16 taxes. Collected taxes levied under this paragraph shall be paid to the district  
17 treasurer.

18 (b) The initial operating levy of a district shall be imposed by the commission  
19 in December of the year preceding the January 1 on which the district is created  
20 under s. 27.161 (5). The initial levy shall be imposed in an amount that equals as  
21 closely as possible the greater of the following:

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

**BILL**

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

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

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

12           (a) Maintaining the park facilities.

13           (b) Operating the park facilities.

14           (c) Making capital improvements to the park facilities.

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

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

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

19          (13) Impose user fees for the use of district facilities and programs. The district  
20 may impose different fees based on whether the user resides within the district's  
21 jurisdiction.

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

23          **27.164 Local park districts; powers and duties of, and limitations on,**  
24 **political subdivisions.** (1) Except as otherwise provided in this section, the  
25 governing bodies of each political subdivision that make up the jurisdiction of the

**BILL**

1 district may not create a park or expend any funds to support a park or recreational  
2 facilities, or impose an impact fee under s. 66.0617 for park facilities, after the  
3 imposition of the taxes described under s. 27.163 (8).

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

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

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

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

11 **27.165 Local park districts; dissolution.** (1) DISSOLUTION. In addition to  
12 a district being dissolved upon a withdrawal, as described in s. 27.161 (9), the  
13 commission may also vote to dissolve a district. If a district is dissolved, on the date  
14 the dissolution becomes effective all of the following apply:

15 (a) All assets and liabilities of the district shall be apportioned to, and become  
16 the assets and liabilities of, the sponsoring <sup>or participating</sup> political subdivisions and the governing  
17 bodies of any political subdivisions that joined the district under s. 27.162.

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

24 (c) All <sup>real property and all</sup> tangible personal property of the district is transferred to the political  
25 subdivisions described under par. (a), as apportioned by the commission.

**BILL**

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

6 (e) Any matter pending with the district is transferred to the political  
7 subdivisions described under par. (a), as apportioned by the commission and all  
8 materials submitted to or actions taken by the district with respect to park and  
9 recreational functions are considered as having been submitted to or taken by the  
10 political subdivisions.

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

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

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

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

19 (2) ARBITRATION. In the event that a question arises concerning the application  
20 of sub. (1) or s. 27.161 (6) to any situation, the question shall be resolved by the  
21 arbitrator selected under the procedure in s. 27.161 (5) (b) 2., subject to any  
22 applicable law.

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

**BILL**

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

4           **SECTION 83.** 40.02 (28) of the statutes is amended to read:

5           40.02 (28) "Employer" means the state, including each state agency, any  
6 county, city, village, town, school district, other governmental unit or  
7 instrumentality of 2 or more units of government now existing or hereafter created  
8 within the state, any federated public library system established under s. 43.19  
9 whose territory lies within a single county with a population of 500,000 or more, a  
10 local exposition district created under subch. II of ch. 229, a local park district created  
11 under s. 27.161, and a family care district created under s. 46.2895, except as  
12 provided under ss. 40.51 (7) and 40.61 (3) and subch. X. "Employer" does not include  
13 a local cultural arts district created under subch. V of ch. 229. Each employer shall  
14 be a separate legal jurisdiction for OASDHI purposes.

15           **SECTION 84.** 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act 65 and  
16 2007 Wisconsin Act .... (this act), is repealed and recreated to read:

17           40.02 (28) "Employer" means the state, including each state agency, any  
18 county, city, village, town, school district, other governmental unit or  
19 instrumentality of 2 or more units of government now existing or hereafter created  
20 within the state, any federated public library system established under s. 43.19  
21 whose territory lies within a single county with a population of 500,000 or more, a  
22 local exposition district created under subch. II of ch. 229, a local park district created  
23 under s. 27.161, and a family care district created under s. 46.2895, except as  
24 provided under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local

**BILL**

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

3 **SECTION 85.** 66.0301 (1) (a) of the statutes is amended to read:

4 66.0301 (1) (a) In this section "municipality" means the state or any  
5 department or agency thereof, or any city, village, town, county, school district, public  
6 library system, public inland lake protection and rehabilitation district, sanitary  
7 district, farm drainage district, metropolitan sewerage district, sewer utility district,  
8 solid waste management system created under s. 59.70 (2), local exposition district  
9 created under subch. II of ch. 229, local professional baseball park district created  
10 under subch. III of ch. 229, local professional football stadium district created under  
11 subch. IV of ch. 229, ~~a~~ local cultural arts district created under subch. V of ch. 229,  
12 local park district created under s. 27.161, family care district under s. 46.2895,  
13 water utility district, mosquito control district, municipal electric company, county  
14 or city transit commission, commission created by contract under this section,  
15 taxation district, regional planning commission, or city-county health department.

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

17 66.0617 (1) (a) "Capital costs" means the capital costs to construct, expand, or  
18 improve public facilities, including the cost of land, and including legal, engineering,  
19 and design costs to construct, expand, or improve public facilities, except that not  
20 more than ~~10%~~ 10 percent of capital costs may consist of legal, engineering, and  
21 design costs unless the municipality or local park district can demonstrate that its  
22 legal, engineering, and design costs which relate directly to the public improvement  
23 for which the impact fees were imposed exceed ~~10%~~ 10 percent of capital costs.  
24 "Capital costs" does not include other noncapital costs to construct, expand, or



**BILL**

1 improve public facilities, vehicles; or the costs of equipment to construct, expand, or  
2 improve public facilities.

3 **SECTION 87.** 66.0617 (1) (am) of the statutes is created to read:

4 66.0617 (1) (am) "Local park district" has the meaning given for district in s.  
5 27.16 (4).

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

7 66.0617 (1) (c) "Impact fees" means cash contributions, contributions of land  
8 or interests in land, or any other items of value that are imposed on a developer by  
9 a municipality or a local park district under this section.

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

11 66.0617 (1) (d) "Land development" means the construction or modification of  
12 improvements to real property that creates additional residential dwelling units  
13 within a municipality or local park district or that results in nonresidential uses that  
14 create a need for new, expanded, or improved public facilities within a municipality  
15 or local park district.

16 **SECTION 90.** 66.0617 (1) (g) of the statutes is amended to read:

17 66.0617 (1) (g) "Service area" means a geographic area delineated by a  
18 municipality or local park district within which there are public facilities.

19 **SECTION 91.** 66.0617 (1) (h) of the statutes is amended to read:

20 66.0617 (1) (h) "Service standard" means a certain quantity or quality of public  
21 facilities relative to a certain number of persons, parcels of land, or other appropriate  
22 measure, as specified by the municipality or local park district.

23 **SECTION 92.** 66.0617 (2) (a) of the statutes is amended to read:

24 66.0617 (2) (a) ~~A~~ Subject to par. (am), a municipality may enact an ordinance  
25 under this section, and a local park district may adopt a resolution under this section,

**BILL**

1 that imposes impact fees on developers to pay for the capital costs that are necessary  
2 to accommodate land development.

3 **SECTION 93.** 66.0617 (2) (am) of the statutes is created to read:

4 66.0617 (2) (am) No local park district may impose an impact fee under this  
5 section for any purpose other than park facilities, as defined in s. 27.16 (7).

6 **SECTION 94.** 66.0617 (3) of the statutes is amended to read:

7 66.0617 (3) PUBLIC HEARING; NOTICE. Before enacting an ordinance or adopting  
8 a resolution that imposes impact fees, or amending an existing ordinance or  
9 resolution that imposes impact fees, a municipality or a local park district shall hold  
10 a public hearing on the proposed ordinance or amendment. Notice of the public  
11 hearing shall be published as a class 1 notice under ch. 985, and shall specify where  
12 a copy of the proposed ordinance or amendment and the public facilities needs  
13 assessment may be obtained.

14 **SECTION 95.** 66.0617 (4) (a) (intro.) of the statutes is amended to read:

15 66.0617 (4) (a) (intro.) Before enacting an ordinance or adopting a resolution  
16 that imposes impact fees or amending an ordinance or resolution that imposes  
17 impact fees by revising the amount of the fee or altering the public facilities for which  
18 impact fees may be imposed, a municipality or a local park district shall prepare a  
19 needs assessment for the public facilities for which it is anticipated that impact fees  
20 may be imposed. The public facilities needs assessment shall include, but not be  
21 limited to, the following:

22 **SECTION 96.** 66.0617 (4) (b) of the statutes is amended to read:

23 66.0617 (4) (b) A public facilities needs assessment or revised public facilities  
24 needs assessment that is prepared under this subsection shall be available for public  
25 inspection and copying in the office of the clerk of the municipality or in the office of

**BILL**

1 the secretary of the commission of the local park district at least 20 days before the  
2 hearing under sub. (3).

3 **SECTION 97.** 66.0617 (5) of the statutes is amended to read:

4 66.0617 (5) DIFFERENTIAL FEES, IMPACT FEE ZONES. (a) An ordinance enacted or  
5 resolution adopted under this section may impose different impact fees on different  
6 types of land development.

7 (b) An ordinance enacted or resolution adopted under this section may  
8 delineate geographically defined zones within the municipality or local park district  
9 and may impose impact fees on land development in a zone that differ from impact  
10 fees imposed on land development in other zones within the municipality or local  
11 park district. The public facilities needs assessment that is required under sub. (4)  
12 shall explicitly identify the differences, such as land development or the need for  
13 those public facilities, which justify the differences between zones in the amount of  
14 impact fees imposed.

15 **SECTION 98.** 66.0617 (6) (intro.) of the statutes is amended to read:

16 66.0617 (6) STANDARDS FOR IMPACT FEES. (intro.) Impact fees imposed by an  
17 ordinance enacted or resolution adopted under this section:

18 **SECTION 99.** 66.0617 (6) (b) of the statutes is amended to read:

19 66.0617 (6) (b) May not exceed the proportionate share of the capital costs that  
20 are required to serve land development, as compared to existing uses of land within  
21 the municipality or local park district.

22 **SECTION 100.** 66.0617 (6) (h) of the statutes is created to read:

23 66.0617 (6) (h) Shall be payable by the developer to the local park district either  
24 in full or in installment payments that are approved by the local park district.

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

**BILL**

1           66.0617 (7) LOW-COST HOUSING. An ordinance enacted or resolution adopted  
2 under this section may provide for an exemption from, or a reduction in the amount  
3 of, impact fees on land development that provides low-cost housing, except that no  
4 amount of an impact fee for which an exemption or reduction is provided under this  
5 subsection may be shifted to any other development in the land development in  
6 which the low-cost housing is located or to any other land development in the  
7 municipality or local park district.

8           **SECTION 102.** 66.0617 (8) of the statutes is amended to read:

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

15           **SECTION 103.** 66.0617 (9) of the statutes is amended to read:

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

**BILL**

1 municipality or local park district shall consider what are appropriate planning and  
2 financing periods for the particular types of public facilities for which the impact fees  
3 are imposed.

4 (b) The 7-year time limit for using impact fees that is specified under par. (a)  
5 may be extended for 3 years if the ~~political subdivision~~ municipality or local park  
6 district adopts a resolution stating that, due to extenuating circumstances or  
7 hardship in meeting the 7-year limit, it needs an additional 3 years to use the impact  
8 fees that were collected. The resolution shall specify the extenuating circumstances  
9 or hardship that led to the need to adopt a resolution under this paragraph.

10 **SECTION 104.** 66.0617 (10) of the statutes is amended to read:

11 66.0617 (10) APPEAL. A municipality that enacts an impact fee ordinance under  
12 this section shall, by ordinance, and a local park district that adopts an impact fee  
13 resolution under this section shall, by resolution, specify a procedure under which  
14 a developer upon whom an impact fee is imposed has the right to contest the amount,  
15 collection, or use of the impact fee to the governing body of the municipality or local  
16 park district.

17 **SECTION 105.** 67.01 (5) of the statutes is amended to read:

18 67.01 (5) "Municipality" means any of the following which is authorized to levy  
19 a tax: a county, city, village, town, school district, board of park commissioners,  
20 technical college district, metropolitan sewerage district created under ss. 200.01 to  
21 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, local park  
22 district created under s. 27.161, public inland lake protection and rehabilitation  
23 district established under s. 33.23, 33.235, or 33.24, and any other public body  
24 empowered to borrow money and issue obligations to repay the money out of public  
25 funds or revenues. "Municipality" does not include the state.

**BILL**

1           **SECTION 106.** 70.11 (37m) of the statutes is created to read:

2           70.11 **(37m)** LOCAL PARK AND RECREATION DISTRICT. The property of a local park  
3 district under s. 27.161.

4           **SECTION 107.** 71.26 (1) (bm) of the statutes is amended to read:

5           71.26 **(1)** (bm) *Certain local districts.* Income of a local exposition district  
6 created under subch. II of ch. 229, a local professional baseball park district created  
7 under subch. III of ch. 229, a local professional football stadium district created  
8 under subch. IV of ch. 229, ~~or~~ a local cultural arts district created under subch. V of  
9 ch. 229, or a local park district created under s. 27.161.

10          **SECTION 108.** 77.25 (18m) of the statutes is created to read:

11          77.25 **(18m)** To a local park district under s. 27.161.

12          **SECTION 109.** 77.54 (9a) (i) of the statutes is created to read:

13          77.54 **(9a)** (i) A local park district under s. 27.161.

14          **SECTION 110.** 350.01 (2m) of the statutes is created to read:

15          350.01 **(2m)** "Local park district" means a local park district created under s.  
16 27.161 by one or more counties but not with the participation of any city, village, or  
17 town.

18          **SECTION 111.** 350.01 (9j) of the statutes is created to read:

19          350.01 **(9j)** "Local park district" means a local park district created under s.  
20 27.161.

21          **SECTION 112.** 350.01 (11m) of the statutes is amended to read:

22          350.01 **(11m)** "Sanctioned race or derby" means a competitive snowmobile  
23 event sponsored by a county, local park district, town, city, or village, by a promoter,  
24 by a chamber of commerce, or by a snowmobile club or other similar organization.

25          **SECTION 113.** 350.04 (3) (a) of the statutes is amended to read:

## BILL

1           350.04 (3) (a) No county, town, city ~~or~~, village, or local park district shall be  
2 liable for any injury suffered in connection with a race or derby under this section,  
3 unless the injury is caused by the negligence of the county, town, city ~~or~~, village, or  
4 local park district.

5           **SECTION 114.** 350.04 (3) (b) of the statutes is amended to read:

6           350.04 (3) (b) The county, town, city ~~or~~, village, or local park district shall post  
7 the provisions of par. (a) in a conspicuous place, readily accessible to all contestants  
8 and spectators, and shall assist in locating and identifying persons responsible for  
9 injuries that may occur.

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

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

25          **SECTION 116.** 350.12 (4) (b) 3. of the statutes is amended to read:

**BILL**

1           350.12 (4) (b) 3. Not more than \$30,000 for a route signing program of aids to  
2 cities, villages, towns ~~or~~, counties, or local park districts of up to ~~100%~~ 100 percent  
3 of the cost of initial signing of snowmobile routes which connect authorized  
4 snowmobile trails or which offer entrance to or exit from snowmobile trails leading  
5 to ~~such municipalities~~ the cities, village, towns, or counties. Aid may be provided  
6 under this subdivision to cities, villages, towns ~~and~~, counties and local park districts  
7 for up to ~~100%~~ 100 percent of the cost of placing signs developed under s. 350.108 (1)  
8 (b) which briefly explain the intoxicated snowmobiling law along snowmobile routes.  
9 Applications and documentation shall be submitted to the department by April 15  
10 of each year on forms prescribed by departmental rule.

11           **SECTION 117.** 350.12 (4) (bg) 1. of the statutes is amended to read:

12           350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the  
13 department shall make available in fiscal year 2001-02 and each fiscal year  
14 thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make  
15 payments to the department or to a county or local park district under par. (bm) for  
16 trail maintenance costs incurred in the previous fiscal year that exceed the  
17 maximum specified under par. (b) 1. before expending any of the amount for the other  
18 purposes specified in par. (b).

19           **SECTION 118.** 350.12 (4) (bg) 2. of the statutes is amended to read:

20           350.12 (4) (bg) 2. For fiscal year 2001-02, and for each fiscal year thereafter,  
21 the department shall calculate an amount equal to the number of trail use stickers  
22 issued under sub. (3j) in the previous fiscal year multiplied by \$15 and shall credit  
23 this amount to the appropriation account under s. 20.370 (5) (cw). From the  
24 appropriation account under s. 20.370 (5) (cw), the department shall make payments  
25 to the department ~~or~~, a county, or a local park district for the purposes specified in



**BILL**

1 par. (b). The department shall make payments under par. (bm) for trail maintenance  
2 costs that were incurred in the previous fiscal year and that exceed the maximum  
3 specified under par. (b) 1. before making payments for any of the other purposes  
4 specified in par. (b).

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

6 350.12 (4) (bm) *Supplemental trail aids; eligibility.* (intro.) A county, a local  
7 park district, or the department shall be eligible for payments under par. (bg) for a  
8 given fiscal year if it applies for the aid and if all of the following apply:

9 **SECTION 120.** 350.12 (4) (bm) 1. of the statutes is amended to read:

10 350.12 (4) (bm) 1. 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. in the previous fiscal year exceeds the maximum of \$250 per mile per year under  
13 par. (b) 1.

14 **SECTION 121.** 350.12 (4) (bm) 2. of the statutes is amended to read:

15 350.12 (4) (bm) 2. Of the actual cost incurred by the department ~~or~~, the county,  
16 or the local park district in maintaining its trails that are qualified under par. (b) 1.  
17 or 4. for the fiscal year applicable under subd. 1., the actual cost incurred in grooming  
18 the trails exceeds a maximum of \$150 per mile per year.

19 **SECTION 122.** 350.12 (4) (br) of the statutes is amended to read:

20 350.12 (4) (br) *Supplemental trail aids; insufficient funding.* If the aid that is  
21 payable ~~to counties and to the department~~ under par. (bm) exceeds the moneys  
22 available under par. (bg), the department may prorate the payments or may request  
23 the joint committee on finance to take action under s. 13.101. The requirement of a  
24 finding of emergency under s. 13.101 (3) (a) 1. does not apply to such a request.

25 **SECTION 123.** 350.138 (1) (d) of the statutes is amended to read:

**BILL**

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

4           **SECTION 124.** 350.138 (1) (f) of the statutes is amended to read:

5           350.138 (1) (f) "Snowmobile organization" means a snowmobile club, a  
6 snowmobile alliance ~~or, a county, or a local park district.~~

7           **SECTION 125.** 350.18 (1) of the statutes is amended to read:

8           350.18 (1) ~~Counties, towns, cities and villages~~ A county, city, town, or village  
9 may regulate snowmobile operation on snowmobile trails ~~maintained by or on~~  
10 ~~snowmobile routes designated by~~ under the jurisdiction of the county, city, town, or  
11 village.

12           **SECTION 126. Effective dates.** This act takes effect on the January 1 following  
13 the date of publication, except as follows:

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

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

18

(END)

MES

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(NOT) Also in the year in which the district's initial levy is imposed, each sponsoring political subdivision must reduce its operating levy in an amount equal to its previous year's levy 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-0220/2insMES  
MS/JK/JTK/MG/CH:lk:jf

INSERT 42-5

(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 countywide 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.

**Duerst, Christina**

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**From:** Hogan, John  
**Sent:** Tuesday, February 20, 2007 11:59 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-0220/2 Topic: Authorize the create of special purpose districts for local parks.

Please Jacket LRB 07-0220/2 for the SENATE.