



2005 SENATE BILL 171

April 13, 2005 – Introduced by Senators A. LASEE, DARLING, GROTHMAN, LEIBHAM, REYNOLDS, KANAVAS, BROWN, STEPP, KEDZIE and LAZICH, cosponsored by Representatives HINES, SUDER, FREESE, BIES, VUKMIR, KERKMAN, PETTIS, VAN ROY, AINSWORTH, KREIBICH, VOS, MUSSER, WOOD, PRIDEMORE, NASS, GUNDERSON, F. LASEE and VRAKAS. Referred to Committee on Labor and Election Process Reform.

1 **AN ACT to amend** 67.05 (6a) (a) 2. a. and 121.91 (3) (a) of the statutes; **relating**
2 **to:** the scheduling of referenda to approve school district borrowing or exceed
3 a school district's revenue limit.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, if a school board wishes to borrow money or exceed the revenue limit otherwise applicable to the school district, it must obtain the approval of the school district's electors at a referendum. A referendum authorizing borrowing may be held at a special election called for that purpose or at the next regularly scheduled primary or election held not earlier than 45 days after adopting the borrowing resolution. Similarly, a referendum to exceed the district's revenue limit may be held at a special election or at the next succeeding spring primary or election or September primary or election held not earlier than 42 days after the resolution to exceed the limit is filed.

This bill prohibits a school board from calling a special election for either purpose described above.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SENATE BILL 171**SECTION 1**

1 **SECTION 1.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

2 67.05 **(6a)** (a) 2. a. ~~Direct the school district clerk to call a special election for~~
3 ~~the purpose of submitting the resolution to the electors for approval or rejection, or~~
4 ~~direct~~ that the resolution be submitted at the next regularly scheduled primary or
5 election to be held not earlier than 45 days after the adoption of the resolution. The
6 resolution shall not be effective unless adopted by a majority of the school district
7 electors voting at the referendum.

8 **SECTION 2.** 121.91 (3) (a) of the statutes is amended to read:

9 121.91 **(3)** (a) If a school board wishes to exceed the limit under sub. (2m)
10 otherwise applicable to the school district in any school year, it shall promptly adopt
11 a resolution supporting inclusion in the final school district budget of an amount
12 equal to the proposed excess revenue. The resolution shall specify whether the
13 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
14 proposed excess revenue is for both recurring and nonrecurring purposes, the
15 amount of the proposed excess revenue for each purpose. The resolution shall be filed
16 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
17 shall notify the department of the scheduled date of the referendum and submit a
18 copy of the resolution to the department. ~~The school board shall call a special~~
19 ~~referendum for the purpose of submitting the resolution to the electors of the school~~
20 ~~district for approval or rejection. In lieu of a special referendum, the school board~~
21 ~~may specify that the~~ The referendum shall be held at the next succeeding spring
22 primary or election or September primary or general election, ~~if such election is to~~
23 be held not sooner than 42 days after the filing of the resolution of the school
24 board. The school district clerk shall certify the results of the referendum to the
25 department within 10 days after the referendum is held.

