

2013 DRAFTING REQUEST

Bill

Received: **12/9/2013** Received By: **pgrant**
Wanted: **As time permits** Same as LRB: **-1940**
For: **Jim Steineke (608) 266-2418** By/Representing: **Jon Turke**
May Contact: Drafter: **pgrant**
Subject: **Education - school boards** Addl. Drafters:
Education - school finance Extra Copies: **TKK**
FFK

Submit via email: **YES**
Requester's email: **Rep.Steineke@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Community programs and services; shared cost and revenue limit reductions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 12/10/2013	csicilia 12/11/2013		_____			
/1			jfrantze 12/11/2013	_____	sbasford 12/11/2013	rose 1/7/2014	State S&L

FE Sent For:

*at
intro*

<END>

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1/?	pgrant	1 jjs	2/11/13	1/12/13			

FE Sent For:

<END>

Grant, Peter

From: Turke, Jon
Sent: Monday, December 09, 2013 3:11 PM
To: Grant, Peter
Cc: Smith, Ryan
Subject: RE: Fund 80

Hi Peter-

Could we please get a companion drafted to LRB-1940/1?

Thanks!

Jon Turke

Office of Rep. Jim Steineke
Assistant Majority Leader
608-266-2418

*note: may need to
delay implementation
will do by 6/14*

From: Smith, Ryan
Sent: Monday, December 09, 2013 3:08 PM
To: Turke, Jon
Subject: Fund 80

Jon,

Here's the bill. I assume you're going to get this re-drafted so you can do a companion? I'll have the co-sponsorship to you in a bit.

Thanks



State of Wisconsin
2013 - 2014 LEGISLATURE

TODAY

~~57011~~



LRB-1940/1

PG:cjs:ph

LRB-3801/1

PG:cjs:

2013 BILL

DN

pf

Gen Cat

SAW

1 AN ACT *to amend* 120.13 (19); and *to create* 121.907 and 121.91 (4) (r) of the
2 statutes; **relating to:** school district expenditures for community programs
3 and services and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, a school district may establish community education, training, recreational, cultural, or athletic programs and services. The school board may collect fees to cover all or part of the costs of such community programs and services. Current law excludes such costs from the school district's shared cost and increases the school district's revenue limit by the amount of property taxes levied for community programs and services. The Department of Public Instruction (DPI) publishes guidelines regarding community service activities; see http://sfs.dpi.w.gov/sfs_comm_serv_fund_info.

This bill directs DPI to promulgate rules defining eligible costs for community programs and services and provides that only those expenditures that are eligible costs under the rules are excluded from a school district's shared cost.

In addition, the bill requires each school board to submit an annual report to the Department of Revenue (DOR) detailing the school board's expenditures in the previous school year for community programs and services. DOR must determine for each school district whether any such expenditures were ineligible under DPI's rules and certify to DPI the total amount of ineligible expenditures for each school district. The bill decreases a school district's revenue limit by the amount of its ineligible expenditures.

BILL

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

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

1 **SECTION 1.** 120.13 (19) of the statutes is amended to read:

2 **120.13 (19) COMMUNITY PROGRAMS AND SERVICES.** Establish and maintain
3 community education, training, recreational, cultural or athletic programs and
4 services, outside the regular curricular and extracurricular programs for pupils,
5 under such terms and conditions as the school board prescribes. The school board
6 may establish and collect fees to cover all or part of the costs of such programs and
7 services. ~~Costs~~ Eligible costs associated with such programs and services shall not
8 be included in the school district's shared cost under s. 121.07 (6). The department
9 shall promulgate rules defining "eligible costs" for the purposes of this subsection.

10 **SECTION 2.** 121.907 of the statutes is created to read:

11 **121.907 Community programs and services.** (1) A school board annually
12 shall submit a report to the department of revenue detailing the school board's
13 expenditures in the previous school year for community programs and services under
14 s. 120.13 (19).

15 (2) The department of revenue shall determine for each school district whether
16 any such expenditures are not eligible costs, as defined by the department of public
17 instruction by rule under s. 120.13 (19), and certify for each school district the total
18 amount of such expenditures that are not eligible costs to the department of public
19 instruction.

20 **SECTION 3.** 121.91 (4) (r) of the statutes is created to read:

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

LRB-³⁸⁰¹940/1dn
PG:cjs:ph
slays

April 2, 2013
— date —

Jon:
Ryan:

~~You may wish to have Russ Kava or Dave Loppnow in the Fiscal Bureau review this draft to ensure that it achieves your intent.~~

Note that because the bill directs DOR to determine whether a school district has violated an administrative rule promulgated by DPI, it may be subject to a constitutional challenge. Article X, section 1 of the Wisconsin Constitution vests the supervision of public instruction in the state superintendent. Under Thompson v. Craney, 199 Wis. 2d 674 (1996), giving any other officer authority over public instruction is unconstitutional.



If you have questions or need more information, please let me know.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov

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

LRB-3801/1dn
PG:cjs:jf

December 11, 2013

Jon:

Note that because the bill directs DOR to determine whether a school district has violated an administrative rule promulgated by DPI, it may be subject to a constitutional challenge. Article X, section 1 of the Wisconsin Constitution vests the supervision of public instruction in the state superintendent. Under *Thompson v. Craney*, 199 Wis. 2d 674 (1996), giving any other officer authority over public instruction is unconstitutional.

If you have questions or need more information, please let me know.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov

Rose, Stefanie

From: Turke, Jon
Sent: Tuesday, January 07, 2014 9:30 AM
To: LRB.Legal
Subject: Draft Review: LRB -3801/1 Topic: Community programs and services; shared cost and revenue limit reductions

Please Jacket LRB -3801/1 for the ASSEMBLY.