



State of Wisconsin  
1997 - 1998 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 310**

February 4, 1998 – Offered by COMMITTEE ON ELECTIONS AND CONSTITUTIONAL LAW.

1     **AN ACT to amend** 7.03 (1) (bm), 24.66 (3) (b), 24.66 (4), 66.504 (2), 67.05 (6a) (a)  
2             2. a., 117.20, 119.48 (4) (b) and (c), 119.49 (1) (b) and (2) and 121.91 (3) (a); and  
3             **to create** 8.065 and 15.615 of the statutes; **relating to:** scheduling of referenda  
4             by school districts and the cost of special elections called by local governments.

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

5             **SECTION 1.** 7.03 (1) (bm) of the statutes is amended to read:

6             7.03 (1) (bm) Whenever a special election is called by a county or by a school  
7             district, a technical college district, a sewerage district, a sanitary district or a public  
8             inland lake protection and rehabilitation district for a date other than the date of an  
9             election specified in s. 5.02 (5), (18), (21) or (22), the county or district shall pay the  
10            compensation of all election officials, as determined under sub. (2).

11            **SECTION 2.** 8.065 of the statutes is created to read:

1           **8.065 Scheduling of referenda by school districts.** (1) Unless otherwise  
2 required by law or unless authorized under sub. (2), a referendum held by any school  
3 district that is authorized or required by law to hold a referendum may only be held  
4 on the date of the spring primary, spring election, September primary or general  
5 election, or on the 2nd Tuesday in September or the Tuesday after the first Monday  
6 in November of an odd-numbered year.

7           (2) If a school district wishes to hold a special referendum on a date other than  
8 the date of an election specified in sub. (1) or another date authorized under sub. (1),  
9 the school district may petition the referendum appeal board for a determination  
10 that an emergency exists with respect to a particular question. The referendum  
11 appeal board shall make a determination within 10 days after receipt of a petition  
12 under this subsection. If the referendum appeal board finds, with the concurrence  
13 of at least 4 members, that an emergency exists which requires a special referendum  
14 to be held by a school district on a date other than the date of an election specified  
15 in sub. (1) or another date authorized under sub. (1), the board may permit a  
16 referendum relating to the question specified in the petition to be held on a date  
17 determined by the school district.

18           **SECTION 3.** 15.615 of the statutes is created to read:

19           **15.615 Same; attached boards.**

20           (2) REFERENDUM APPEAL BOARD. There is created a referendum appeal board  
21 which is attached to the elections board under s. 15.03. The board shall consist of the  
22 governor, the senate majority leader, the senate minority leader, the speaker of the  
23 assembly and the assembly minority leader or the designees of these persons.

24           **SECTION 4.** 24.66 (3) (b) of the statutes is amended to read:

1           24.66 (3) (b) *For long-term loans by unified school districts.* Every application  
2 for a loan, the required repayment of which exceeds 10 years, shall be approved and  
3 authorized for a unified school district by a majority vote of the members of the school  
4 board at a regular or special meeting of the school board. Every vote so required shall  
5 be by ayes and noes duly recorded. In addition, the application shall be approved for  
6 a unified school district by a majority vote of the electors of the school district at a  
7 ~~special election~~ referendum as provided under sub. (4).

8           **SECTION 5.** 24.66 (4) of the statutes is amended to read:

9           24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered  
10 by law to incur indebtedness for a particular purpose without first submitting the  
11 question to its electors, the application for a state trust fund loan for that purpose  
12 must be approved and authorized by a majority vote of the electors at a ~~special~~  
13 ~~election~~ referendum called, and noticed and held in the manner provided for other  
14 ~~special elections~~ referenda. If the applicant is a school district, the referendum shall  
15 be called in accordance with s. 8.065. The notice of the ~~election~~ referendum shall  
16 state the amount of the proposed loan and the purpose for which it will be used.

17           **SECTION 6.** 66.504 (2) of the statutes is amended to read:

18           66.504 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint  
19 contract with a nonprofit corporation organized for civic purposes and located in the  
20 municipality to construct or otherwise acquire, equip, furnish, operate and maintain  
21 a facility to be used for municipal and civic activities if a majority of the voters voting  
22 in a referendum approve the question of entering into the joint contract. The  
23 referendum shall be held at a special election or at a spring primary or election or  
24 September primary or general election ~~approve the question of entering into the joint~~

1 ~~contract or, if the municipality is a school district, at an election specified in s. 8.065~~  
2 ~~(1) or an election authorized under s. 8.065 (2).~~

3 **SECTION 7.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

4 67.05 **(6a)** (a) 2. a. Direct the school district clerk to call a ~~special election~~  
5 ~~referendum in accordance with s. 8.065~~ for the purpose of submitting the resolution  
6 to the electors for approval or rejection, ~~or direct that the resolution be submitted at~~  
7 ~~the next regularly scheduled primary or election permitted under s. 8.065 (1) or an~~  
8 ~~election authorized under s. 8.065 (2)~~ to be held not earlier than 45 days after the  
9 adoption of the resolution. The resolution shall not be effective unless adopted by a  
10 majority of the school district electors voting at the referendum.

11 **SECTION 8.** 117.20 of the statutes is amended to read:

12 **117.20 Referendum procedures.** (1) If a referendum is required under ss.  
13 117.08 to 117.11, it shall be held on the ~~Tuesday after the first Monday in November~~  
14 ~~next 2nd Tuesday in September of an odd-numbered year or at the next general~~  
15 ~~election, whichever first occurs, but not sooner than 45 days~~ following receipt of the  
16 petition or adoption of the resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3)  
17 (a) or 117.11 (4) (a).

18 **(2)** The clerk of each affected school district shall publish notice, as required  
19 under s. ~~8.55~~ 10.06 (4), in the territory of that school district. The procedures for  
20 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a  
21 referendum held under this section. The school board and school district clerk of each  
22 affected school district shall each perform, for that school district, the functions  
23 assigned to the school board and the school district clerk, respectively, under those  
24 subsections. The form of the ballot shall correspond to the form prescribed by the  
25 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school

1 district shall file with the secretary of the board a certified statement prepared by  
2 the school district board of canvassers of the results of the referendum in that school  
3 district.

4 **SECTION 9.** 119.48 (4) (b) and (c) of the statutes are amended to read:

5 119.48 (4) (b) The communication shall state the purposes for which the funds  
6 from the increase in the levy rate will be used and shall request the common council  
7 to submit to the voters of the city the question of exceeding the levy rate specified in  
8 s. 65.07 (1) (f) ~~at the September election or a special~~ an election authorized under s.  
9 8.065.

10 (c) Upon receipt of the communication, the common council shall cause the  
11 question of exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to  
12 the voters of the city ~~at the September election or at a special~~ next election authorized  
13 under s. 8.065 (1) or an election authorized under s. 8.065 (2) to be held not sooner  
14 than 45 days after receipt of the communication. The question of exceeding the levy  
15 rate specified under s. 65.07 (1) (f) shall be submitted upon a separate ballot or in  
16 some other manner so that the vote upon exceeding the levy rate specified in s. 65.07  
17 (1) (f) is taken separately from any other question submitted to the voters. If a  
18 majority of the electors voting on the question favors exceeding the levy rate specified  
19 under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate  
20 and shall levy and collect a tax equal to the amount of money approved by the  
21 electors.

22 **SECTION 10.** 119.49 (1) (b) and (2) of the statutes are amended to read:

23 119.49 (1) (b) The communication shall state the amount of funds needed under  
24 par. (a) and the purposes for which the funds will be used and shall request the  
25 common council to submit to the voters of the city at the next election authorized

1 under s. 8.065 (1) or an election authorized under s. 8.065 (2) to be held in the city  
2 not sooner than 45 days after receipt of the communication the question of issuing  
3 school bonds in the amount and for the purposes stated in the communication.

4 (2) Upon receipt of the communication, the common council shall cause the  
5 question of issuing such school bonds in the stated amount and for the stated school  
6 purposes to be submitted to the voters of the city at the next election ~~held in the city~~  
7 authorized under s. 8.065 (1) or an election authorized under s. 8.065 (2) that occurs  
8 not sooner than 45 days after the date of receipt of the communication. The question  
9 of issuing such school bonds shall be submitted upon a separate ballot or in some  
10 other manner so that the vote upon issuing such school bonds is taken separately  
11 from any other question submitted to the voters. If a majority of the electors voting  
12 on the school bond question favors issuing such school bonds, the common council  
13 shall cause the school bonds to be issued immediately or within the period permitted  
14 by law, in the amount requested by the board and in the manner other bonds are  
15 issued.

16 **SECTION 11.** 121.91 (3) (a) of the statutes is amended to read:

17 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (1), (2) or  
18 (2m) otherwise applicable to the school district in any school year, it shall promptly  
19 adopt a resolution supporting inclusion in the final school district budget of an  
20 amount equal to the proposed excess revenue. The resolution shall specify whether  
21 the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the  
22 proposed excess revenue is for both recurring and nonrecurring purposes, the  
23 amount of the proposed excess revenue for each purpose. The school board shall call  
24 a special referendum in accordance with s. 8.065 for the purpose of submitting the  
25 resolution to the electors of the school district for approval or rejection. ~~In lieu of a~~

1 ~~special referendum, the school board may specify that the referendum be held at the~~  
2 ~~next succeeding spring primary or election or September primary or general election,~~  
3 ~~if such election is,~~ to be held not earlier sooner than 35 days after the adoption of the  
4 resolution of the school board.

5 **SECTION 12. Initial applicability.**

6 (1) This act first applies with respect to referenda called on the effective date  
7 of this subsection.

8 (END)