



2011 ASSEMBLY BILL 555

February 10, 2012 - Introduced by Representatives KNUDSON, AUGUST, NASS, LITJENS, THIESFELDT, STEINEKE, PRIDEMORE, NYGREN, KOOYENGA, KAUFERT, CRAIG, VOS, HONADEL, VAN ROY, SPANBAUER, MURSAU and STROEBEL, cosponsored by Senator LASEE. Referred to Committee on Education.

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 partisan primary (held in August) or election held not earlier than 70 days after the resolution to exceed the limit is filed.

This bill provides that a referendum authorizing borrowing must be submitted to the electors of the school district at the next regularly scheduled primary or election held not earlier than 70 days after the adoption of the resolution, with one exception. If the school board determines that an emergency project is necessary as a result of unforeseen circumstances that occurred since 70 days before the most recent regularly scheduled primary or election and that cannot wait to be addressed until the next regularly scheduled primary or election, the school board may call a special election for the purpose of submitting the resolution to the electors.

The bill also provides that a referendum authorizing a school board to exceed the district's revenue limit must be submitted to the electors of the school district at

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the next succeeding partisan primary or general election (in an even-numbered year) or at a special election held on the Tuesday after the first Monday in November in an odd-numbered year.

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.** 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~~ to the electors of the school district for
5 approval or rejection at the next regularly scheduled primary or election to be held
6 not earlier than 45 70 days after the adoption of the resolution, except that if the
7 school board determines that an emergency project is necessary as a result of
8 unforeseen circumstances that occurred since 70 days before the most recent
9 regularly scheduled primary or election and that cannot wait to be addressed until
10 the next regularly scheduled primary or election, the school board may call a special
11 election for the purpose of submitting the resolution to the electors. The resolution
12 shall not be effective unless adopted by a majority of the school district electors voting
13 at the referendum.

14 **SECTION 2.** 121.91 (3) (a) of the statutes, as affected by 2011 Wisconsin Act
15 (Senate Bill 116), is amended to read:

16 121.91 **(3)** (a) If a school board wishes to exceed the limit under sub. (2m)
17 otherwise applicable to the school district in any school year, it shall promptly adopt
18 a resolution supporting inclusion in the final school district budget of an amount
19 equal to the proposed excess revenue. The resolution shall specify whether the

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1 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
2 proposed excess revenue is for both recurring and nonrecurring purposes, the
3 amount of the proposed excess revenue for each purpose. The resolution shall be filed
4 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
5 shall notify the department of the scheduled date of the referendum and submit a
6 copy of the resolution to the department. The school board shall ~~call a special~~
7 ~~referendum for the purpose of submitting~~ submit the resolution to the electors of the
8 school district for approval or rejection. ~~In lieu of a special referendum, the school~~
9 ~~board may specify that the referendum be held at the next succeeding spring primary~~
10 ~~or election or partisan primary or general election, or at a special election held on the~~
11 Tuesday after the first Monday in November of an odd-numbered year to be held not
12 sooner than 70 days after the filing of the resolution of the school board. The school
13 district clerk shall certify the results of the referendum to the department within 10
14 days after the referendum is held.

SECTION 3. Initial applicability.

15
16 (1) This act first applies to a resolution adopted under section 67.05 (6a) (a) of
17 the statutes, or filed under 121.91 (3) (a) of the statutes, on the effective date of this
18 subsection.

19 (END)