



2005 ASSEMBLY BILL 584

July 27, 2005 - Introduced by Representatives ALBERS, MUSSER, NASS, HINES, AINSWORTH and VOS, cosponsored by Senator GROTHMAN. Referred to Committee on Education.

- 1 **AN ACT to amend** 121.91 (3) (a), 121.91 (3) (c) and 121.91 (7) of the statutes;
2 **relating to:** referenda to exceed a school district's revenue limit.

Analysis by the Legislative Reference Bureau

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index.

Currently, a school district may exceed its revenue limit by the amount approved by the voters at a referendum. The school board must specify the portion of the proposed excess revenue that is for a recurring purpose and the portion that is for a nonrecurring purpose. If an excess revenue for a recurring purpose is approved by the electors, the amount is included in the base for calculating the school district's revenue limit for the next school year. If an excess revenue for a nonrecurring purpose is approved, the amount is not included in the base for calculating the school district's revenue limit for the next school year.

Under this bill, if excess revenue for a recurring purpose is approved at a referendum, the school district's revenue limit is increased for the number of school years specified in the referendum ballot, and the bill prohibits a school board from specifying more than five school years.

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

2 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)
3 otherwise applicable to the school district in any school year, it shall promptly adopt
4 a resolution supporting inclusion in the final school district budget of an amount
5 equal to the proposed excess revenue. The resolution shall specify whether the
6 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
7 proposed excess revenue is for both recurring and nonrecurring purposes, the
8 amount of the proposed excess revenue for each purpose. If any of the proposed
9 excess revenue is for a recurring purpose, the resolution shall specify the number of
10 school years, not exceeding 5, in which the limit under sub. (2m) will be increased as
11 a result of approval at a referendum under par. (c). The resolution shall be filed as
12 provided in s. 8.37. Within 10 days after adopting the resolution, the school board
13 shall notify the department of the scheduled date of the referendum and submit a
14 copy of the resolution to the department. The school board shall call a special
15 referendum for the purpose of submitting the resolution to the electors of the school
16 district for approval or rejection. In lieu of a special referendum, the school board
17 may specify that the referendum be held at the next succeeding spring primary or
18 election or September primary or general election, if such election is to be held not
19 sooner than 42 days after the filing of the resolution of the school board. The school
20 district clerk shall certify the results of the referendum to the department within 10
21 days after the referendum is held.

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

2 121.91 **(3)** (c) The referendum shall be held in accordance with chs. 5 to 12. The
3 school district clerk shall provide the election officials with all necessary election
4 supplies. The form of the ballot shall correspond substantially with the standard
5 form for referendum ballots prescribed by the elections board under ss. 5.64 (2) and
6 7.08 (1) (a). The question submitted shall be whether the limit under sub. (2m) may
7 be exceeded by a specified amount. If the resolution provides that any of the excess
8 revenue will be used for a nonrecurring purpose, the ballot in the election shall so
9 state and shall specify the amount that will be used for a nonrecurring purpose. If
10 the resolution under par. (a) provides that any of the excess revenue will be used for
11 a recurring purpose, the ballot in the election shall so state and shall specify the
12 amount that will be used for a recurring purpose and the number of school years, not
13 exceeding 5, in which the limit under sub. (2m) will be increased as a result of
14 referendum approval. The limit otherwise applicable to the school district under
15 sub. (2m) is increased by the amount approved by a majority of those voting on the
16 question.

17 **SECTION 3.** 121.91 (7) of the statutes is amended to read:

18 121.91 **(7)** Except as provided in sub. (4) (f) 2., if an excess revenue is ~~approved~~
19 ~~under sub. (3) for a recurring purpose or~~ allowed under sub. (4), the excess revenue
20 shall be included in the base for determining the limit for the next school year for
21 purposes of this section. If an excess revenue is approved under sub. (3) for a
22 recurring purpose, the excess revenue shall be included in the base for determining
23 the limit for the number of succeeding school years specified in the ballot under sub.
24 (3) (c) minus one. If an excess revenue is approved under sub. (3) for a nonrecurring

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SECTION 3

1 purpose, the excess revenue shall not be included in the base for determining the
2 limit for the next school year for purposes of this section.

3 **SECTION 4. Initial applicability.**

4 (1) This act first applies to resolutions adopted under section 121.91 (3) (a) of
5 the statutes, as affected by this act, on the effective date of this subsection.

6 (END)